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No. 102

## House of Representatives

The House was not in session today. Its next meeting will be held on Monday, July 14, 2003, at 10:30 a.m.

## Senate

FRIDAY, JULY 11, 2003

The Senate met at 9:15 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

### PRAYER

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

Eternal God, before the mountains were brought forth and the Earth was formed, even from everlasting to everlasting, You are God.

Thank You, Lord, for all that crowns life with beauty and blessedness, for books and music that inspire us, for family and friends who sustain us.

May we remember how fragile and temporary are our lives.

Teach us to number our days and to find our peace and stability in You.

Help us never to surrender to our worst, making it difficult for others to live at their best.

Use us, Lord, to build a more decent and humane world.

In Your strong name we pray. Amen.

### PLEDGE OF ALLEGIANCE

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

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

### RESERVATION OF LEADER TIME

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

### LEGISLATIVE BRANCH APPROPRIATIONS, FISCAL YEAR 2004

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2657, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2657) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes.

Pending:

Sessions amendment No. 1202, to eliminate the additional amount for programs under the National and Community Service Act of 1990.

The PRESIDING OFFICER. Under the previous order, there are now 15 minutes equally divided in the usual form on the Sessions amendment.

### SCHEDULE

Mr. SESSIONS. Mr. President, on behalf of the leader, I note that in a few minutes the Senate will begin a series of three rollcall votes. With the completion of these three votes, the Senate will have passed two appropriations bills. The first of these votes will be on the Sessions AmeriCorps amendment. Following that vote, the Senate will vote on passage of H.R. 2657, the legislative branch appropriations bill, which will immediately be followed by a vote on passage of H.R. 2559, the military construction appropriations bill. The second and third votes in this series will be 10-minute votes. Therefore, Senators are encouraged to remain in the Chamber until all three votes have been completed. The majority leader will have more to say on the schedule following these votes.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, there are 15 minutes on the motion of the Senator from Alabama to strike. He will have 7½ minutes, and the other 7½ minutes will be under my control.

First, I would like to see if the distinguished Democratic whip would like to make some comments. I do have a motion to make.

Mr. REID. I am here for the motion by the Senator.

FURTHER MODIFICATION TO AMENDMENT NO. 1201  
AMENDMENT NO. 1206, AS MODIFIED

Mr. STEVENS. I ask unanimous consent that the modification I send to the desk to amendment No. 1201, offered by Senator REID and myself and Senator FEINSTEIN, previously agreed to, be modified pursuant to this amendment, and I ask unanimous consent that the following technical modification to amendment No. 1206, offered by myself and Senator LANDRIEU, be further modified by the language at the desk.

These amendments were modified on the floor, and last evening we discovered they had to be perfected, so I ask unanimous consent.

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

The further modification to amendment No. 1201 is as follows:

On page 53, line 19, strike "\$36,000,000" and insert "\$61,000,000".

On page 53, line 20, insert before the colon the following:

"of which \$25,000,000 shall be available for emergency actions to reduce the threat to human safety in areas declared under a State of Emergency by the Governor of any State due to the danger of catastrophic fire from

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



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dead and dying trees, including—(1) clearing of evacuation routes, (2) clearing around emergency shelter locations, (3) clearing around emergency communication sites, and (4) clearing buffer zones around highly populous communities in order to prevent fire sweeping through such communities”

Amendment No. 1206, as modified, is as follows:

(Purpose: Making emergency appropriations to the Corps of Engineers for emergency assistance)

At the appropriate place, insert the following: *Provided further*, That for an additional amount for “Corps of Engineer—Civil, Flood Control and Coastal Emergencies,” for emergency expenses due to flood control, hurricane, and shore protection activities, as authorized by section 5 of the Flood Control Act of August 16, 1941, as amended (33 U.S.C. 701n), \$10,000,000, to remain available until expended.”

Mr. STEVENS. The Senator has 7½ minutes.

Mr. SESSIONS. Mr. President, I ask unanimous consent that Senator CORNYN of Texas be added as a cosponsor of this amendment.

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

Mr. SESSIONS. Mr. President, this amendment would strike the \$100 million for AmeriCorps that is contained in the emergency supplemental portion of this bill. The President did not request these funds. The administration does not support this appropriation as part of an emergency supplemental. These funds are not offset. In fact, every single penny that will be spent of this \$100 million will go directly to the debt of the American people. It will increase the debt entirely, because we are in a deficit situation and emergency spending by definition is above our budget, and even our budget takes us into debt.

This is not an emergency. It is just one more typical bureaucratic failure in a governmental program that caused them to run short, and now they want the taxpayers to run up the debt to pay for the shortfall. I think it is just not the right thing to do.

It is suggested that we have to have this money now. But if you read the language in the legislation, it says the funds are to remain available until September 30, 2004. That means this could come up in the regular appropriations bill for VA-HUD, and they could put it within the budget and fund it through next year, fiscal year 2004. That is really what should occur, if they want to spend extra money to bail out the mismanagement of the AmeriCorps program which all Senators—even those who support this bill—are critical of and are trying to do something about.

In addition, it says the educational awards will remain available until expended. That means they could be spent over a period of years.

Why are we bringing it forward on this emergency supplemental bill? It is because it does not count against the budget allocation the appropriations subcommittee has for all of the programs within their venue.

If they have to come up with extra money for appropriations under the current law and under the budget, that means they may have to be tight across the board and find the money somewhere else, or maybe they will have to reduce what AmeriCorps would like to have.

Those are tough decisions. But that is what we get paid to do every day around here. By allowing them to tack this on top of the bill and add directly to the debt of the American people relieves the pressure that was caused by the mismanagement under these circumstances.

I note the chairman of the House VA-HUD Committee—a Peace Corps volunteer himself, and a strong supporter of the AmeriCorps program, Congressman JIM WALSH of New York—is very strongly opposed to this even though he supported AmeriCorps from the beginning. He issued a news release and full statement dealing with this issue. He makes a number of very important points—from a man who really cares about this program and doing the right thing.

For example, he said:

My opposition to the Senate’s supplemental AmeriCorps appropriations proposal comes down to an issue of accountability. We shouldn’t reward an agency that violates Federal law and mismanages taxpayer dollars by providing additional funding until clear and consistent reforms have been enacted. Should these requested funds be appropriated, I have little faith that the existing operation could get the funding out of Washington to local community grantees effectively or equitably by the end of fiscal year on September 30.

He goes on to make other points.

I urge my colleagues to read this news release before they commit on how they intend to vote. The emergency bill has disaster relief, space shuttle, wildfires, and AmeriCorps. I would add that Citizens Against Government Waste has written in opposition to this legislation. They urge it to be defeated. I note they intend to score this legislation, as do other groups that care about mismanagement, including Citizens Against Government Waste, the National Taxpayers Union, Americans for Tax Reform, and others.

It is an important vote. We ought not to go around the budget we passed—and I served as a member of the committee—and tack on \$100 million for a bureaucratic snafu and running that \$100 million directly against the debt of the American people in violation of the Budget Act.

I yield the floor and reserve my remaining time.

The PRESIDING OFFICER. The Senator from Alaska controls 7½ minutes.

Mr. STEVENS. Mr. President, I yield 3 minutes to the Senator from Maryland, and 4 minutes to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 3 minutes.

Ms. MIKULSKI. I thank the Senator. I rise in vigorous opposition to the Sessions amendment and urge my colleagues to vote against it.

I offered the amendment in the Appropriations Committee to add \$100 million for AmeriCorps in this urgent supplemental. It has strong bipartisan support. Senators STEVENS, BYRD, BOND, and many others support my amendment. But it is not about supporting my amendment. It is about supporting AmeriCorps at this very troubled time.

If we do not do this \$100 million, there will be a cut of over 15,000 AmeriCorps volunteers right this minute. These cuts are being announced today.

How did this happen? There was a bureaucratic boondoggle. There was a bureaucratic snafu. They overenrolled 20,000 volunteers. Every year, the VA-HUD subcommittee funds 50,000 volunteers. But they overenrolled with 70,000. How did we know about it? Senator BOND chaired the subcommittee leading the fight for reform in fiscal responsibility, and uncovered it at the April 15 hearing. The House put out a press release. We put out performance. We found the mistake.

We worked on a bipartisan basis to correct the accounting. I called for new leadership. But that is not a substitute for the need for new funds.

This is an emergency today. Who are we going to punish, if we don’t do the money? Not the bureaucracy, not the boondogglers, but the volunteers in our communities.

There is a question about why now. The law says funding for volunteers and the awards that help them pay off their student debt must be in the Federal checkbook when the volunteers begin their service. For many of them, they are going to begin their service now because they are going to be in school-based programs. Teach America, for example—which we all love—if this is not in there, 1,000 Teach America kids will not be in classrooms; and Jump Start, which works with Head Start and organizes and leverages other volunteers. When we look at what we are doing here, we need to know that if AmeriCorps does not get this funding now they will not be able to sign up volunteers right this minute for these programs.

This is to get AmeriCorps over the troubled waters. The President has announced a new CEO. Senator BOND has led the effort for a new chief financial officer. He has been the leader of the reform effort, and has had my utmost support.

We can’t wait until next year. If we do, we are going to squander volunteer opportunities. The President has called for a new spirit of voluntarism. Young people have responded. We need to respond to the call to meet our responsibility and not punish these communities.

I yield the floor.

The PRESIDING OFFICER. Does the Senator from Alabama yield time?

Mr. SESSIONS. I yield such time as is remaining to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I compliment my colleague from Alabama for raising an important issue. I hope our colleagues will vote in favor of his amendment for a lot of different reasons.

First, this shouldn't be in the urgent supplemental. There is nothing emergency about it. Frankly, we gave AmeriCorps \$64 million just last April.

Second, it wasn't requested by the administration. You would think if it was urgent it would have been requested. It was not.

Third, when you look at this, it is really funding for 2004. We only have 2½ months left in 2003. The Congressional Budget Office says zero money will be spent in 2003. Not one dime of it will be spent in 2003.

As a matter of fact, if you look at language in the bill, it says \$100 million in funds and grants will remain available until September 30, 2004, and funds for educational awards will remain available until expended. So the net essence of this is we are helping out 2004 appropriations bills. This should be done in 2004.

If we want to have a wrestling match over mismanagement of AmeriCorps—and I don't doubt they have had mismanagement—this is a program that purports to be all volunteer, but we find out it costs \$20,000 per year per volunteer. Actually, I think it has come down to \$18,000 per year per volunteer. Congratulations.

It has been fraught with mismanagement from the get-go, and now we find out we are going to be basically funding a 2004 appropriations bill under the guise of an emergency so it will not be counted for 2003. I am willing to go along with some emergency spending, but I think this is an abuse of the process.

I compliment my colleague from Alabama. I do not think it should be included in the supplemental. I urge my colleagues to support his amendment.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I rise in strong support of the provision sponsored by my colleague, Senator MIKULSKI, the chairman, Senator STEVENS, and others in the Appropriations Committee, and I urge that we table the amendment.

This \$100 million is something that is needed now to continue the President's strong commitment to assuring that we have a robust volunteer program in the United States. The President has spoken very eloquently about the need for volunteers, and I think all of us know how important volunteers are in our communities.

AmeriCorps is a means of providing assistance, and we need those funds now. There are some 20,000 slots ready for volunteers. In previous years they have committed to them. They over-committed, no question about it. AmeriCorps has been fraught with mis-

takes and mismanagement, but there have been young people in America who have answered the call to volunteer. There are programs in America waiting for these volunteers. By making these funds available now, we can allow AmeriCorps to commit for the programs that begin with the new school year starting in September and to make sure there is not a hiatus in the programs.

There is no question about the mistakes of AmeriCorps, but we should not punish the young people of this country who want to give something back through community service. The volunteers are ready now, and we should not disappoint them or the communities they serve. This \$100 million is necessary to keep the program moving.

As the Senator from Maryland has so eloquently described, we have spent 8 years on the VA-HUD Appropriations Subcommittee trying to straighten this program out. My colleague from Maryland rightly called the Corporation for National and Community Service to task for the continuing problems. We have demanded the administration take corrective action. They are taking that action. Thanks in large part to Senator MIKULSKI, I think we are getting a response from the Corporation that will fix the problems and restore the accountability. We, I assure you, will continue appropriate oversight. The commitment of my colleague from Maryland to this program is enduring and strong, and we will see that it gets the leadership it needs.

The concerns of the House chairman that were mentioned by my colleague from Alabama are being addressed by requiring the inspector general to audit the AmeriCorps program and defund those programs that have not performed. Further, I have led the congressional efforts of oversight through the GAO and IG audits. That is how we found out about the problems. And we authored the Strengthen AmeriCorps Program Act, which passed Congress in 2 days and was signed by the President last week, to correct the financial accounting problems.

I would not support these funds if I thought there were management problems that were not being corrected. They are. I urge my colleagues to table the amendment.

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

• Mrs. BOXER. Mr. President, I rise to voice my support for AmeriCorps. The \$100 million added in the Appropriations Committee for AmeriCorps is vital to continuing the hard work that so many young people around the country are doing today. Stripping this funding out of the bill would leave thousands of AmeriCorps members in my State, and throughout the country, out in the cold. And it will leave communities without the contributions and hard work of thousands.

There are nearly 8,000 AmeriCorps volunteers in my State, working in 366

program sites. They are in communities from Anaheim to Westminster, helping children read, restoring our environment, and building homes for the needy. Their contributions to the quality of life in our cities and towns are immeasurable. The additional funding in this bill is desperately needed.

Some of my colleagues have argued that bureaucratic blunders by the Corporation for National and Community Service, the agency that runs AmeriCorps, should not be rewarded by giving the program additional funding. We all know, however, that the work of Senators MIKULSKI and BOND has gone far to correct many of the problems at the corporation. As the accounting reforms continue, AmeriCorps will flourish once again. This \$100 million in this bill is a step in that direction.

I hope my colleagues will follow the lead of the distinguished chair and ranking member of the VA-HUD subcommittee, and vote to table this amendment. •

Mr. KENNEDY. Mr. President, it is a privilege to join my colleagues in this effort to keep this promise of AmeriCorps and to support the amendment to add \$100 million to the supplemental.

It is inspiring to see the good work that volunteers do every day, tutoring, mentoring, providing access to health care, and building stronger communities in so many different ways. Over 200,000 young men and women have dedicated a year of their lives to AmeriCorps and these activities. Their service has helped others in urgent need, expanded community-based organizations, and strengthened whole communities. They have transformed the lives of others, and transformed their own lives, too.

Yet, this successful program faces devastating cuts—not because of problems in the services they provide, but because of financial management problems at the Corporation for National Service. That is unacceptable. When mistakes are made inside the Beltway, people across America should not have to pay for those mistakes.

I hope our proposal will have strong bipartisan support and pass as it did in the Appropriations Committee, so that we can correct this situation before even more young volunteers who are ready, willing, and able to serve are denied the opportunity to serve.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Alaska has 1 minute 15 seconds.

Mr. STEVENS. Mr. President, I regret deeply the necessity to move to table the motion of the Senator from Alabama. There has been a serious mistake in this program, and these young people were notified they would be enrolled in August and September.

The statements made on both sides are absolutely correct. Both sides have

a point; that is, this should not have happened. But it did happen, and we felt compelled to keep the commitment to those people who were told they would be enrolled and to put up the money so they will be enrolled for the school year that starts in September.

I do hope the Senate understands we will do everything possible to prevent this from happening again. I commend the Senator from Maryland and the Senator from Missouri for their diligence in finding out what happened and for bringing this to our attention, but there is no other way than to keep the commitment we have made and to see to it that AmeriCorps does continue to enroll these people. The enrollment for next year, as I understand it, will be at the authorized level of 50,000. I think that is the problem, to make certain that does not happen again.

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

Mr. STEVENS. Mr. President, I move to table the amendment. I believe the yeas and nays have been ordered; is that correct?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that it be in order to ask for the yeas and nays at this time on the bill itself.

The PRESIDING OFFICER. That is in order.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that it be in order to ask for the yeas and nays on the military construction bill which will later be before the Senate.

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

Mr. STEVENS. Mr. President, I do ask for the yeas and nays on the military construction bill.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. I thank the Chair.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 1202. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Georgia (Mr. MILLER), and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

I further announce that, if present and voting, the Senator from Cali-

fornia (Mrs. BOXER), the Senator from Florida (Mr. GRAHAM), and the Senator from Massachusetts (Mr. KERRY) would each vote "yea."

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

The result was announced—yeas 71, nays 21, as follows:

[Rollcall Vote No. 272 Leg.]

YEAS—71

Akaka	Dodd	McCain
Alexander	Dole	Mikulski
Baucus	Domenici	Murkowski
Bayh	Dorgan	Nelson (FL)
Bennett	Durbin	Nelson (NE)
Biden	Feingold	Pryor
Bingaman	Feinstein	Reed
Bond	Frist	Reid
Breaux	Grassley	Roberts
Burns	Gregg	Rockefeller
Byrd	Hagel	Santorum
Campbell	Harkin	Sarbanes
Cantwell	Hutchison	Schumer
Carper	Inouye	Shelby
Chafee	Jeffords	Smith
Chambliss	Johnson	Snowe
Clinton	Kennedy	Specter
Coleman	Kohl	Stabenow
Collins	Landrieu	Stevens
Conrad	Lautenberg	Sununu
Corzine	Leahy	Talent
Daschle	Levin	Warner
Dayton	Lincoln	Wyden
DeWine	Lugar	

NAYS—21

Allard	Crapo	Kyl
Allen	Ensign	Lott
Brownback	Enzi	McConnell
Bunning	Fitzgerald	Nickles
Cochran	Graham (SC)	Sessions
Cornyn	Hatch	Thomas
Craig	Inhofe	Voinovich

NOT VOTING—8

Boxer	Hollings	Miller
Edwards	Kerry	Murray
Graham (FL)	Lieberman	

The motion was agreed to.

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

Mr. CRAIG. 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 pending business?

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? The yeas and nays have been ordered.

Mr. STEVENS. Mr. President, this will be a 10-minute vote; is that correct?

The PRESIDING OFFICER. The Senator is correct.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KERRY), the

Senator from Connecticut (Mr. LIEBERMAN), the Senator from Georgia (Mr. MILLER), and the Senator from Washington, (Mrs. MURRAY) are necessarily absent.

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

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

The result was announced—yeas 85, nays 7, as follows:

[Rollcall Vote No. 273 Leg.]

YEAS—85

Akaka	DeWine	Lugar
Alexander	Dodd	McCain
Allen	Dole	McConnell
Baucus	Domenici	Mikulski
Bayh	Dorgan	Murkowski
Bennett	Durbin	Nelson (FL)
Biden	Feingold	Nelson (NE)
Bingaman	Feinstein	Pryor
Bond	Fitzgerald	Reed
Breaux	Frist	Reid
Brownback	Graham (SC)	Roberts
Burns	Grassley	Rockefeller
Byrd	Gregg	Santorum
Campbell	Hagel	Sarbanes
Cantwell	Harkin	Schumer
Carper	Hatch	Sessions
Chafee	Hutchison	Shelby
Chambliss	Inouye	Smith
Clinton	Jeffords	Snowe
Cochran	Johnson	Specter
Coleman	Kennedy	Stabenow
Collins	Kohl	Stevens
Conrad	Kyl	Sununu
Cornyn	Landrieu	Talent
Corzine	Lautenberg	Voinovich
Craig	Leahy	Warner
Crapo	Levin	Wyden
Daschle	Lincoln	
Dayton	Lott	

NAYS—7

Allard	Enzi	Thomas
Bunning	Inhofe	
Ensign	Nickles	

NOT VOTING—8

Boxer	Hollings	Miller
Edwards	Kerry	Murray
Graham (FL)	Lieberman	

The bill (H.R. 2657), as amended, was passed, as follows.

H.R. 2657

*Resolved*, That the bill from the House of Representatives (H.R. 2657) entitled "An Act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes.", do pass with the following amendments:

(1) Page 2, after line 6, insert:

SENATE

EXPENSE ALLOWANCES

*For expense allowances of the Vice President, \$20,000; the President Pro Tempore of the Senate, \$20,000; Majority Leader of the Senate, \$20,000; Minority Leader of the Senate, \$20,000; Majority Whip of the Senate, \$10,000; Minority Whip of the Senate, \$10,000; President Pro Tempore emeritus, \$7,500; Chairmen of the Majority and Minority Conference Committees, \$5,000 for each Chairman; and Chairmen of the Majority and Minority Policy Committees, \$5,000 for each Chairman; in all, \$127,500.*

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

*For representation allowances of the Majority and Minority Leaders of the Senate, \$15,000 for each such Leader; in all, \$30,000.*

SALARIES, OFFICERS AND EMPLOYEES

*For compensation of officers, employees, and others as authorized by law, including agency contributions, \$125,307,000, which shall be paid*

from this appropriation without regard to the following limitations:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, \$2,028,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, \$539,000.

OFFICE OF THE PRESIDENT PRO TEMPORE EMERITUS

For the Office of the President Pro Tempore emeritus, \$156,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, \$3,220,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, \$2,324,000.

COMMITTEE ON APPROPRIATIONS

For salaries of the Committee on Appropriations, \$12,799,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, \$1,358,000 for each such committee; in all, \$2,716,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, \$674,000.

POLICY COMMITTEES

For salaries of the Majority Policy Committee and the Minority Policy Committee, \$1,417,000 for each such committee; in all, \$2,834,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, \$327,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, \$18,299,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, \$45,789,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, \$1,468,000.

AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, \$32,134,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, \$4,843,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, \$1,222,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, \$6,000; Sergeant at Arms and Doorkeeper of the Senate, \$6,000; Secretary for the Majority of the Senate, \$6,000; Secretary for the Minority of the Senate, \$6,000; in all, \$24,000.

CONTINGENT EXPENSES OF THE SENATE INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted under section 134(a) of the Legislative Reorganization Act of 1946 (Public Law 97-601), section 112 of the Supplemental Appropriations and Rescission Act, 1980 (Public Law 96-304), and Senate Resolution 281, 96th Congress, agreed to March 11, 1980, \$118,462,000.

EXPENSES OF THE UNITED STATES SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, \$520,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, \$2,265,000, of which \$500,000 shall be transferred to the Senate Preservation Fund and shall be available without fiscal year limitation.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, \$136,843,000, of which \$30,835,000 shall remain available until September 30, 2006, and of which \$4,255,000 shall remain available until September 30, 2008.

MISCELLANEOUS ITEMS

For miscellaneous items, \$18,425,000, of which up to \$500,000 shall be made available for a pilot program for mailings of postal patron postcards by Senators for the purpose of providing notice of a town meeting by a Senator in a county (or equivalent unit of local government) at which the Senator will personally attend: Provided, That any amount allocated to a Senator for such mailing shall not exceed 50 percent of the cost of the mailing and the remaining cost shall be paid by the Senator from other funds available to the Senator.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, \$310,000,000.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, \$300,000.

ADMINISTRATIVE PROVISIONS

SECTION 1. GROSS RATE OF COMPENSATION IN OFFICES OF SENATORS. Effective on and after October 1, 2003, each of the dollar amounts contained in the table under section 105(d)(1)(A) of the Legislative Branch Appropriations Act, 1968 (2 U.S.C. 61-1(d)(1)(A)) shall be deemed to be the dollar amounts in that table, as adjusted by law and in effect on September 30, 2003, increased by an additional \$50,000 each.

SEC. 2. PAYMENT OF EXPENSES OF CONFERENCE OF MAJORITY AND MINORITY. (a) IN GENERAL.—Section 120 of Public Law 97-51 (2 U.S.C. 61g-6) is amended in the first sentence by striking "an amount, not in excess of \$100,000," and inserting "such amount as necessary".

(b) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2004, and each fiscal year thereafter.

SEC. 3. PROVISIONS RELATING TO SENATE COMMISSION ON ART. (a) AUTHORITY TO ACQUIRE AND DISPOSE.—

(1) IN GENERAL.—The Senate Commission on Art (referred to in this section as the "Commission") may—

(A) accept gifts of money; and

(B) acquire (by gift, purchase, or otherwise) any work of art, historical object, document, or material relating to historical matters, or exhibit, for placement or exhibition in the Senate Wing of the Capitol, the Senate Office Buildings, or in rooms, spaces, or corridors thereof.

(2) ACCESSION OR DISPOSAL.—All works of art, historical objects, documents, or material related to historical matters, or exhibits, acquired by the Commission may, as determined by the Commission and after consultation with the Curatorial Advisory Board, be—

(A) retained for accession to the United States Senate Collection or other use; or

(B) disposed of by sale or other transaction.

(3) REPEAL.—Senate Resolution 95, 92d Congress, agreed to April 1, 1971, and enacted into law by section 901(a) of Public Law 100-696 (2 U.S.C. 2106) is repealed.

(b) ADVISORY BOARDS.—

(1) CURATORIAL ADVISORY BOARD.—There is established a Board which shall be chaired by the Senate Curator. The Curatorial Advisory Board shall provide advice and assistance to the Commission on the acquisition, care, and disposition of items for or within the United States

Senate Collection, and on such other matters as the Commission determines appropriate.

(2) ADDITIONAL ADVISORY BOARDS.—

(A) IN GENERAL.—The Commission, or the chairman and vice chairman acting jointly on behalf of the Commission and after giving notice to the Commission, may establish 1 or more additional advisory boards.

(B) TERM.—The term of existence for an additional advisory board—

(i) shall be specified by the Commission but no longer than 4 years; and

(ii) shall be renewable.

(C) PURPOSE.—The purpose of an additional advisory board shall be to provide advice and assistance to the Commission and to further the purposes of the Commission.

(3) APPOINTMENTS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Curatorial Advisory Board and other advisory boards established by the Commission under paragraph (2) shall be composed of members appointed by the Commission, or the chairman and vice chairman acting jointly on behalf of the Commission and after giving notice to the Commission.

(B) APPLICABLE RULES.—Members appointed under subparagraph (A)—

(i) shall be appointed from public and private life and shall serve at the pleasure of the Commission; and

(ii) in the case of individuals appointed to the Curatorial Advisory Board, shall be experts or have significant experience in the field of arts, historical preservation, or other appropriate fields.

Each member of the Commission may have appointed to an advisory board created by the Commission at least 1 individual requested by that member.

(4) MEMBERS.—A member of a board under this subsection—

(A) may, at the discretion of the Commission, be reimbursed for actual and necessary expenses incurred in the performance of the official duties of the board from any funds available to the Commission in accordance with applicable Senate regulations for such expenses; and

(B) shall not, by virtue of such member's service on the board, be deemed to be an officer, employee, or agent of the Senate and may not bind the Senate in any contract or obligation.

(5) TERMS FOR ADDITIONAL ADVISORY BOARD MEMBERS.—Members appointed to the other advisory boards created under paragraph (2) shall serve for terms as stated in their appointment, but no longer than a term of 4 years, except that any member may be reappointed upon the expiration of their term.

(6) REGULATIONS.—The Commission, or the chairman and vice chairman acting jointly on behalf of the Commission and after giving notice to the Commission, in consultation with the Committee on Rules and Administration, may promulgate such regulations governing advisory boards established under this subsection as are necessary to carry out the purposes of this subsection.

(7) ASSISTANCE.—The Executive Secretary of the Commission shall provide assistance to an advisory board as authorized by the Commission.

(c) ESTABLISHMENT OF SENATE PRESERVATION FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury a fund, to be known as the "Senate Preservation Fund" (in this section referred to as the "fund"), which shall consist of amounts deposited and credited under paragraph (3).

(2) PAYMENT OF COSTS.—The fund shall be available to the Commission for the payment of acquisition and transaction costs incurred for acquisitions under subsection (a), for official activities of any advisory board established under subsection (b), and for any purposes for which funds from the contingent fund of the Senate

may be used under section 316(a) of Public Law 101-302 (2 U.S.C. 2107).

(3) DEPOSITS, CREDITS, AND DISBURSEMENTS.—  
(A) DEPOSITS.—The Commission shall deposit in the fund amounts appropriated for use of the fund, gifts of money, and proceeds of transactions under subsection (a).

(B) CREDITS.—The Secretary of the Treasury shall credit to the fund the interest on, and the proceeds from sale or redemption of, obligations held in the fund.

(C) DISBURSEMENTS.—Disbursements from the fund shall be made on vouchers approved by the Commission and signed by the Executive Secretary of the Commission.

(4) INVESTMENTS.—

(A) IN GENERAL.—The Secretary of the Treasury shall invest any portion of the fund that, as determined by the Commission, is not required to meet current withdrawals.

(B) TYPE OF OBLIGATION.—Each investment required by this paragraph shall be made in an interest bearing obligation of the United States or an obligation guaranteed as to the principal and interest by the United States that, as determined by the Commission, has a maturity suitable for the fund.

(C) COMMISSION APPROVAL.—In carrying out this subsection, the Secretary of the Treasury may make such purchases, sales, and redemption of obligations as may be approved by the Commission.

(5) SERVICES AND SUPPORT.—The Library of Congress shall provide financial management and disbursing services and support to the Commission as may be required and mutually agreed to by the Librarian of Congress and the Executive Secretary of the Commission.

(6) AUDITS.—The Comptroller General of the United States shall conduct annual audits of the Senate Preservation Fund and shall report the results of each audit to the Commission.

(d) ADMINISTRATIVE CHANGES.—

(1) SENATE COMMISSION ON ART.—Section 1 of Senate Resolution 382, 90th Congress, agreed to October 1, 1968, and enacted into law by section 901(a) of Public Law 100-696 (2 U.S.C. 2101) is amended—

(A) in subsection (b), by striking the first sentence and inserting “The Majority Leader and Minority Leader of the Senate shall be the chairman and vice chairman, respectively, of the Commission.”; and

(B) by striking subsection (c) and inserting the following:

“(c) The Secretary of the Senate shall appoint a Senate Curator approved by the Senate Commission on Art. The Senate Curator shall be an employee of the Secretary of the Senate assigned to assist the Commission. The Secretary of the Senate shall assign additional employees to assist the Commission, and provide such other assistance, as the Commission determines necessary.”

(2) PURCHASE OF ART.—The first sentence of section 316(a) of Public Law 101-302 (2 U.S.C. 2107(a)) is amended by inserting after “in which incurred,” the following: “for the purchase of art and historical objects for the United States Senate Collection, for exhibits and public education relating to the United States Senate Collection, for administrative and transitional expenses of the Senate Commission on Art, and”.

SEC. 4. ORIENTATION SEMINARS. The first sentence of section 107(a) of the Supplemental Appropriations Act, 1979 (Public Law 96-38; 2 U.S.C. 69a) is amended by striking “\$10,000” and inserting “\$25,000”.

SEC. 5. EXPENSE ALLOWANCES FOR CERTAIN OFFICERS OF THE SENATE. (a) IN GENERAL.—Section 119(a) of the joint resolution entitled “Joint resolution making continuing appropriations for the fiscal year 1982, and for other purposes”, approved October 1, 1981 (2 U.S.C. 65c) is amended by striking “\$3,000” and inserting “\$6,000”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to fiscal year 2004, and each fiscal year thereafter.

SEC. 6. CONSULTANTS. With respect to fiscal year 2004, the first sentence of section 101(a) of the Supplemental Appropriations Act, 1977 (2 U.S.C. 61h-6(a)) shall be applied by substituting “nine individual consultants” for “eight individual consultants”.

(2) Page 7, strike out all after line 5 over to and including line 17 on page 12 and insert:

For Joint Committees, as follows:

JOINT CONGRESSIONAL COMMITTEE ON  
INAUGURAL CEREMONIES OF 2005

For all construction expenses, salaries, and other expenses associated with conducting the inaugural ceremonies of the President and Vice President of the United States, January 20, 2005, in accordance with such program as may be adopted by the joint congressional committee authorized to conduct the inaugural ceremonies of 2005, \$1,250,000 to be disbursed by the Secretary of the Senate and to remain available until September 30, 2005. Funds made available under this heading shall be available for payment, on a direct or reimbursable basis, whether incurred on, before, or after, October 1, 2004: Provided, That the compensation of any employee of the Committee on Rules and Administration of the Senate who has been designated to perform service with respect to the inaugural ceremonies of 2005 shall continue to be paid by the Committee on Rules and Administration, but the account from which such staff member is paid may be reimbursed for the services of the staff member (including agency contributions when appropriate) out of funds made available under this heading.

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, \$3,988,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, \$8,112,000, to be disbursed by the Chief Administrative Officer of the House.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including: (1) an allowance of \$2,175 per month to the Attending Physician; (2) an allowance of \$725 per month each to 4 medical officers while on duty in the Office of the Attending Physician; (3) an allowance of \$725 per month to 2 assistants and \$580 per month each not to exceed 11 assistants on the basis heretofore provided for such assistants; and (4) \$1,566,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, \$2,236,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

CAPITOL GUIDE SERVICE AND SPECIAL SERVICES  
OFFICE

For salaries and expenses of the Capitol Guide Service and Special Services Office, \$3,511,000, to be disbursed by the Secretary of the Senate: Provided, That no part of such amount may be used to employ more than 70 individuals: Provided further, That the Capitol Guide Board is authorized, during emergencies, to employ not more than 2 additional individuals for not more than 120 days each, and not more than 10 additional individuals for not more than 6 months each, for the Capitol Guide Service.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and the House of Representatives, of the state-

ments for the 1st session of the 108th Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, \$30,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

CAPITOL POLICE

SALARIES

For salaries of employees of the Capitol Police, including overtime, hazardous duty pay differential, and Government contributions for health, retirement, social security, and other applicable employee benefits, \$207,000,000, to be disbursed by the Chief of the Capitol Police or his designee.

GENERAL EXPENSES

For necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, the awards program, postage, communication services, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and not more than \$5,000 to be expended on the certification of the Chief of the Capitol Police in connection with official representation and reception expenses, \$33,000,000, of which \$1,700,000 shall remain available until expended, to be disbursed by the Chief of the Capitol Police or his designee: Provided, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 2004 shall be paid by the Secretary of Homeland Security from funds available to the Department of Homeland Security.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 1001. TRANSFER AUTHORITY. Amounts appropriated for fiscal year 2004 for the Capitol Police may be transferred between the headings “SALARIES” and “GENERAL EXPENSES” upon the approval of the Committees on Appropriations of the Senate and the House of Representatives.

SEC. 1002. AUTHORIZATION OF WEAPONS. Section 1824 of the Revised Statutes (2 U.S.C. 1941) is amended—

(1) in the first sentence—

(A) by striking “The Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives” and inserting “The Capitol Police Board”; and

(B) by striking all beginning with “payable out” through the period and inserting “payable from appropriations to the Capitol Police upon certification of payment by the Chief of the Capitol Police.”; and

(2) in the second sentence—

(A) by inserting “or other arms as authorized by the Capitol Police Board” after “furnished”; and

(B) by striking “the Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives” and inserting “the Capitol Police Board”.

SEC. 1003. LEGAL REPRESENTATION AUTHORITY. (a) IN GENERAL.—

(1) AUTHORIZATION OF REPRESENTATION.—Any counsel described under paragraph (2) may for the purposes of providing legal assistance and representation to the United States Capitol Police Board or the United States Capitol Police enter an appearance in any proceeding before any court of the United States or of any State or political subdivision thereof, without compliance with any requirement for admission to practice before such court.

(2) COUNSEL.—Paragraph (1) refers to—

(A) the General Counsel for the United States Capitol Police Board and the Chief of the Capitol Police;

(B) the Employment Counsel for the United States Capitol Police Board and the United States Capitol Police;

(C) any attorney employed in the Office of the General Counsel for the United States Capitol Police or the Office of Employment Counsel for the United States Capitol Police;

(D) the counsel for, or any attorney employed by, any successor office of either office described under subparagraph (C); and

(E) any attorney retained by contract with either office described under subparagraph (C).

(b) LIMITATIONS.—

(1) DIRECTION FOR APPEARANCE.—Entrance of appearance authorized under subsection (a) shall be subject to the direction of the Capitol Police Board or the Chief of the Capitol Police.

(2) UNITED STATES SUPREME COURT.—The authority under subsection (a) shall not apply with respect to the admission of any person to practice before the United States Supreme Court.

(c) EFFECTIVE DATE.—This section shall apply to fiscal year 2004, and each fiscal year thereafter.

SEC. 1004. EXTENDED CAPITOL POLICE JURISDICTION ZONE. (a) Section 9B of the Act entitled "An Act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes", approved July 31, 1946 (2 U.S.C. 1967) is amended by striking subsection (b) and inserting the following:

"(b) The area referred to in subsection (a)(4) of this section is that area bounded by the north curb of New York Avenue, NW and H Street, NW extending northeast along the north curb of H Street, NW extending east along the north curb of H Street, NE, to the intersection of H Street, NE and 13th Street, NE, extending south along the east curb to the intersection of 13th Street, SE and I Street, SE, running west along the south curb of I Street, SE to the intersection of I Street, SW and 7th Street, SW extending northwest along the Potomac river front to 14th Street, NW, extending north along the west curb of 14th Street, NW to the intersection of the north curb of New York Avenue, NW and the north curb of H Street, NW."

(b) EFFECTIVE DATE.—This section will become effective upon the approval by the Capitol Police Board of written policy and procedures for implementing the truck interdiction program.

SEC. 1005. RETIREMENT TREATMENT FOR CAPITOL POLICE HAZARDOUS MATERIALS RESPONSE TEAM MEMBERS. (a) RETIREMENT TREATMENT.—

(1) IN GENERAL.—For purposes of chapters 83 and 84 of title 5, United States Code, a hazardous materials response team member of the Capitol Police shall be treated as a member of the Capitol Police.

(2) APPLICATION.—This subsection shall apply to periods of service performed as a hazardous materials response team member of the Capitol Police on and after December 1, 2002.

(b) TREATMENT OF INCUMBENTS.—

(1) DEFINITIONS.—In this subsection, the term—

(A) "incumbent" means an individual who—

(i) is first appointed as a hazardous materials response team member of the Capitol Police before the effective date of this section; and

(ii) is employed as a hazardous materials response team member of the Capitol Police on that date; and

(B) "prior service" means any period of service performed by an incumbent as a hazardous materials response team member of the Capitol Police before the effective date of this section.

(2) INDIVIDUAL CONTRIBUTIONS.—

(A) IN GENERAL.—An incumbent shall pay with respect to prior service an amount into the Civil Service Retirement and Disability Fund equal to—

(i) the difference between the individual contributions that were actually made for such prior service and the individual contributions that would have been made for such service if subsection (a) had then been in effect; and

(ii) interest computed on the amount under clause (i) based on section 8334(e) of title 5, United States Code.

(B) EFFECT OF NOT CONTRIBUTING.—If no part of or less than the full amount required under subparagraph (A) is paid, all prior service of the incumbent shall remain fully creditable as treated under subsection (a), but the resulting annuity shall be reduced in a manner similar to that described under section 8334(d)(2) of title 5, United States Code, to the extent necessary to make up the amount unpaid.

(3) GOVERNMENT CONTRIBUTIONS FOR PRIOR SERVICE.—The Capitol Police shall pay with respect to prior service of each incumbent an amount into the Civil Service Retirement and Disability Fund equal to—

(A) the difference between the Government contributions that were actually made for such prior service and the Government contributions that would have been made for such service if subsection (a) had then been in effect; and

(B) interest computed on the amount under subparagraph (A) based on section 8334(e) of title 5, United States Code.

(c) EFFECTIVE DATE.—This section shall take effect on the first day of the first applicable pay period beginning on or after the date of enactment of this Act.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), \$2,255,000, of which \$304,700 shall remain available until September 30, 2005: Provided, That the Executive Director of the Office of Compliance may, within the limits of available appropriations, dispose of surplus or obsolete personal property by interagency transfer, donation, or discarding.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary for operation of the Congressional Budget Office, including not more than \$3,000 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, \$33,612,000: Provided, That this appropriation shall be available to finance an appropriate share of Federal Accounting Standards Advisory Board (FASAB) costs as determined by FASAB.

ARCHITECT OF THE CAPITOL

GENERAL ADMINISTRATION

For salaries for the Architect of the Capitol, and other personal services, at rates of pay provided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the general and administrative support of the operations under the Architect of the Capitol including the Botanic Garden; including furnishings and office equipment; including not more than \$5,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance, and operation of a passenger motor vehicle, \$71,697,000, of which \$4,200,000 shall remain available until September 30, 2008.

CAPITOL BUILDING

For all necessary expenses for the maintenance, care and operation of the Capitol, \$27,777,000, of which \$12,302,000 shall remain available until September 30, 2008.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, \$6,986,000, of which \$685,000 shall remain available until September 30, 2008.

SENATE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of Senate office buildings; and furniture and furnishings to be expended under the control and supervision of the Architect of the Capitol, \$63,388,000, of which \$17,433,000 shall remain available until September 30, 2008.

(3) Page 12, strike out all after line 22 over to and including line 18 on page 30 and insert:

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, \$88,979,000, of which \$38,402,000 shall remain available until September 30, 2008: Provided, That not more than \$4,400,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 2004.

LIBRARY BUILDINGS AND GROUNDS

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, \$41,620,000, of which \$23,747,000 shall remain available until September 30, 2008.

CAPITOL POLICE BUILDINGS AND GROUNDS

For all necessary expenses for the maintenance, care, and operation of buildings and grounds of the United States Capitol Police, \$3,308,000, of which \$2,075,000 shall remain available until September 30, 2008.

BOTANIC GARDEN

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, \$6,239,000, of which \$202,000 shall remain available until September 30, 2008.

CAPITOL VISITOR CENTER

For an additional amount for the Capitol Visitor Center project, \$47,800,000, to remain available until expended: Provided, That the Architect of the Capitol may not obligate any of the funds which are made available for the Capitol Visitor Center without an obligation plan approved by the Committees on Appropriations of the Senate and of the House of Representatives.

ADMINISTRATIVE PROVISIONS

SEC. 1101. ACQUISITION OF SPACE. (a) IN GENERAL.—Funds appropriated to the Architect of the Capitol shall be available—

(1) for the leasing of space in areas within the District of Columbia and its environs beyond the boundaries of the United States Capitol Grounds to meet space requirements of the United States Senate, United States House of Representatives, United States Capitol Police, and the Architect of the Capitol under such terms and conditions as the Committee or Commission referred to under subsection (b) may authorize; and

(2) to incur any necessary expense in connection with any leasing of space under paragraph (1).

(b) **CONDITIONS TO LEASE SPACE.**—The Architect of the Capitol may lease space under subsection (a) upon submission of written notice of intent to lease such space to—

(1) the Committee on Rules and Administration of the Senate for space to be leased that is situated north of the United States Capitol Building;

(2) the House Office Building Commission for space to be leased that is situated south of the United States Capitol Building; and

(3) the Committees on Appropriations of the Senate and House of Representatives.

(c) **EFFECTIVE DATE.**—This section shall apply with respect to fiscal year 2004, and each fiscal year thereafter.

**SEC. 1102. ALTERNATE COMPUTING FACILITY.** (a) **IN GENERAL.**—There are transferred into the account under the subheading “GENERAL ADMINISTRATION” under the heading “ARCHITECT OF THE CAPITOL” \$54,000,000 for the purchase of an alternate computing facility, of which—

(1) \$44,000,000 shall be transferred from unobligated funds transferred to “Architect of the Capitol”, “Capitol Buildings and Grounds”, “Capitol Buildings” (under the subheading “LEGISLATIVE BRANCH EMERGENCY RESPONSE FUND (INCLUDING TRANSFER OF FUNDS)” under the heading “JOINT ITEMS” under the heading “LEGISLATIVE BRANCH” under chapter 9 of division B of the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 (Public Law 107-117)) from amounts made available in Public Law 107-38; and

(2) \$10,000,000 shall be transferred from unobligated funds transferred to “Capitol Police Board”, “Capitol Police”, “General Expenses” under that subheading (relating to the Legislative Branch Emergency Response Fund) from amounts made available in Public Law 107-38.

(b) **EFFECTIVE DATE.**—This section shall take effect on September 30, 2004.

#### LIBRARY OF CONGRESS SALARIES AND EXPENSES

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Library’s catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog records and other publications of the Library; hire or purchase of 1 passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, \$367,539,000, of which not more than \$6,500,000 shall be derived from collections credited to this appropriation during fiscal year 2004, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150) and not more than \$350,000 shall be derived from collections during fiscal year 2004 and shall remain available until expended for the development and maintenance of an international legal information database and activities related thereto: Provided, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: Provided further, That the total amount available for obligation shall be reduced by the amount by which collections are less than the \$6,850,000: Provided further, That of the total amount appropriated, \$11,596,000 shall remain available until expended for acquisition of books, periodicals, newspapers, and all other materials including subscriptions for bibliographic services for the Library, including \$40,000 to be available solely for the purchase, when specifically approved by

the Librarian, of special and unique materials for additions to the collections: Provided further, That of the total amount appropriated, not more than \$12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices: Provided further, That of the total amount appropriated, \$905,000 shall remain available until expended for the acquisition and partial support for implementation of an Integrated Library System (ILS): Provided further, That of the total amount appropriated, \$4,000,000 shall remain available until expended for the purpose of teaching educators and librarians how to incorporate the Library’s digital collections into school curricula and shall be transferred to the educational consortium formed to conduct the “Adventure of the American Mind” project as approved by the Library: Provided further, That of the amount appropriated, \$250,000 shall remain available until expended, and shall be transferred to the Abraham Lincoln Bicentennial Commission for carrying out the purposes of Public Law 106-173, of which amount \$10,000 may be used for official representation and reception expenses of the Abraham Lincoln Bicentennial Commission: Provided further, That of the total amount appropriated, \$1,380,000 shall remain available until September 30, 2008 for the acquisition and partial support for implementation of a Central Financial Management System: Provided further, That of the total amount appropriated, \$11,060,000 shall remain available until expended for support of the National Audio-Visual Conservation Center: Provided further, That of the total amount appropriated, \$2,762,000 shall remain available until expended for the development and maintenance of the Alternate Computer Facility: Provided further, That, of the total amount appropriated, \$500,000 shall remain available until expended and shall be transferred to the Knox College Abraham Lincoln Studies Center for exhibits relating to the Lincoln-Douglas Debates and the Underground Railroad and for other educational activities of the Center: Provided further, That, of the total amount appropriated, \$500,000 shall remain available until expended and shall be transferred to the Louisiana Department of Culture, Recreation and Tourism for activities relating to the Louisiana Purchase Bicentennial Celebration.

#### COPYRIGHT OFFICE

##### SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, \$48,290,000, of which not more than \$23,321,000, to remain available until expended, shall be derived from collections credited to this appropriation during fiscal year 2003 under section 708(d) of title 17, United States Code: Provided, That the Copyright Office may not obligate or expend any funds derived from collections under such section, in excess of the amount authorized for obligation or expenditure in appropriations Acts: Provided further, That not more than \$6,343,000 shall be derived from collections during fiscal year 2004 under sections 111(d)(2), 119(b)(2), 802(h), and 1005 of such title: Provided further, That the total amount available for obligation shall be reduced by the amount by which collections are less than \$29,664,000: Provided further, That not more than \$100,000 of the amount appropriated is available for the maintenance of an “International Copyright Institute” in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: Provided further, That not more than \$4,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute and for copyright delegations, visitors, and seminars.

#### CONGRESSIONAL RESEARCH SERVICE

##### SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, \$91,726,000: Provided, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.

#### BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

##### SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), \$51,706,000, of which \$14,812,000 shall remain available until expended.

#### ADMINISTRATIVE PROVISIONS

**SEC. 1201. INCENTIVE AWARDS PROGRAM.** Of the amounts appropriated to the Library of Congress in this Act, not more than \$5,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the incentive awards program.

**SEC. 1202. REIMBURSABLE AND REVOLVING FUND ACTIVITIES.** (a) **IN GENERAL.**—For fiscal year 2004, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed \$105,589,000.

(b) **ACTIVITIES.**—The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

(c) **TRANSFER OF FUNDS.**—During fiscal year 2004, the Librarian of Congress may temporarily transfer funds appropriated in this Act, under the heading “LIBRARY OF CONGRESS” under the subheading “—SALARIES AND EXPENSES” to the revolving fund for the FEDLINK Program and the Federal Research Program established under section 103 of the Library of Congress Fiscal Operations Improvement Act of 2000 (Public Law 106-481; 2 U.S.C. 182c): Provided, That the total amount of such transfers may not exceed \$1,900,000: Provided further, That the appropriate revolving fund account shall reimburse the Library for any amounts transferred to it before the period of availability of the Library appropriation expires.

**SEC. 1203. NATIONAL AUDIOVISUAL CONSERVATION CENTER.** (a) **ACQUISITION.**—Section (1)(a) of the Act entitled “An Act to authorize acquisition of certain real property for the Library of Congress, and for other purposes” (2 U.S.C. 141 note; Public Law 105-144) is amended by striking paragraph (1) and inserting the following:

“(1) Three parcels totaling approximately 45 acres, more or less, located in Culpeper County, Virginia, and identified as Culpeper County Tax Parcel Numbers 51-80B, 51-80C, and 51-80D, further described as real estate (consisting of 40.949 acres) conveyed to David and Lucille Packard Foundation by deed from Federal Reserve Bank of Richmond, dated May 15, 1998, and recorded May 19, 1998, in the Clerk’s Office, Circuit Court of Culpeper County, Virginia, in Deed Book 644, page 372; and real estate (consisting of 4.181 acres) conveyed to Packard Humanities Institute by deed from Russell H. Inskip, dated February 13, 2002, and recorded February 13, 2002, in the Clerk’s Office, Circuit Court of Culpeper County, Virginia, as instrument number 020001299.”.

(b) **LIBRARY BUILDINGS AND GROUNDS.**—Section 11(d) of the Act entitled “An Act relating to the policing of the buildings of the Library of Congress”, approved August 4, 1950 (2 U.S.C.

167(j)), is amended by striking paragraph (1) and inserting the following:

“(1) Three parcels totaling approximately 45 acres, more or less, located in Culpeper County, Virginia, and identified as Culpeper County Tax Parcel Numbers 51-80B, 51-80C, and 51-80D, further described as real estate (consisting of 40.949 acres) conveyed to David and Lucille Packard Foundation by deed from Federal Reserve Bank of Richmond, dated May 15, 1998, and recorded May 19, 1998, in the Clerk’s Office, Circuit Court of Culpeper County, Virginia, in Deed Book 644, page 372; and real estate (consisting of 4.181 acres) conveyed to Packard Humanities Institute by deed from Russell H. Inskeep, dated February 13, 2002, and recorded February 13, 2002, in the Clerk’s Office, Circuit Court of Culpeper County, Virginia, as instrument number 020001299.”

**SEC. 1204. VOLUNTARY SEPARATION PAYMENTS.** (a) *IN GENERAL.*—The Congressional Research Service may for such employees as it determines appropriate authorize a payment to employees who voluntarily separate before March 31, 2004, whether by retirement or resignation, which payment shall be paid in accordance with the provisions of section 5597(d) of title 5, United States Code.

(b) *LIMITATION.*—No more than 40 employees may receive a voluntary separation payment under this section.

**SEC. 1205. TRANSFER OF LIBRARY OF CONGRESS POLICE.**—Section 1015(a)(3) of the Legislative Branch Appropriations Act, 2003, is amended by inserting “, or, if earlier, on February 20, 2005” before the period.

**GOVERNMENT PRINTING OFFICE  
CONGRESSIONAL PRINTING AND BINDING  
(INCLUDING TRANSFER OF FUNDS)**

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (section 902 of title 44, United States Code); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, \$91,111,000: Provided, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under section 906 of title 44, United States Code: Provided further, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: Provided further, That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code: Provided further, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

**OFFICE OF SUPERINTENDENT OF DOCUMENTS  
SALARIES AND EXPENSES  
(INCLUDING TRANSFER OF FUNDS)**

For expenses of the Office of Superintendent of Documents necessary to provide for the cata-

logging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, \$34,456,000: Provided, That amounts of not more than \$2,000,000 from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for calendar years 2002 and 2003 to depository and other designated libraries: Provided further, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

**GOVERNMENT PRINTING OFFICE REVOLVING  
FUND**

For payment to the Government Printing Office Revolving Fund, \$10,000,000 for working capital. The Government Printing Office may make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: Provided, That not more than \$5,000 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: Provided further, That the revolving fund shall be available for the hire or purchase of not more than 12 passenger motor vehicles: Provided further, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: Provided further, That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: Provided further, That the revolving fund and the funds provided under the headings “OFFICE OF SUPERINTENDENT OF DOCUMENTS” and “SALARIES AND EXPENSES” together may not be available for the full-time equivalent employment of more than 3,189 workyears (or such other number of workyears as the Public Printer may request, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate): Provided further, That activities financed through the revolving fund may provide information in any format.

**ADMINISTRATIVE PROVISIONS**

**SEC. 1301. PAY OF PUBLIC PRINTER AND DEPUTY PUBLIC PRINTER.** (a) *IN GENERAL.*—Section 303 of title 44, United States Code, is amended to read as follows:

**“SEC. 303. PUBLIC PRINTER AND DEPUTY PUBLIC PRINTER: PAY**

“The annual rate of pay for the Public Printer shall be a rate which is equal to the rate for level II of the Executive Schedule under subchapter II of chapter 53 of title 5. The annual rate of pay for the Deputy Public Printer shall be a rate which is equal to the rate for level III of such Executive Schedule.”

(b) *EFFECTIVE DATE.*—The amendment made by this section shall take effect on the first day of the first applicable pay period beginning on or after the date of enactment of this Act.

**SEC. 1302. SURPLUS PROPERTY, ACCEPTANCE OF GIFTS, AND VOLUNTARY SERVICES.** (a) *IN GENERAL.*—Chapter 3 of title 44, United States Code, is amended by adding after section 317 the following:

**“SEC. 318. TRANSFER OF SURPLUS PROPERTY, ACCEPTANCE OF GIFTS, AND ACCEPTANCE OF VOLUNTARY SERVICES**

“(a) The Public Printer may—  
“(1) transfer or donate surplus Government publications and condemned Government Printing Office machinery, material, equipment, and supplies, to—

“(A) other Federal entities;

“(B) any organization described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under 501(a) of such Code; or

“(C) State or local governments;

“(2) accept, hold, administer, and utilize gifts and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the Government Printing Office; and

“(3) accept voluntary and uncompensated services, notwithstanding section 1342 of title 31.

“(b) Gifts and bequests of money and the proceeds from sales of other property received as gifts or bequests to the Government Printing Office shall be deposited in the revolving fund and shall be disbursed upon order of the Public Printer. Property accepted under this section, and the proceeds from that property, shall be used as nearly as possible in accordance with the terms of the gift or bequest. For purposes of Federal income, estate, or gift taxes, property accepted under this section shall be considered as a gift, devise, or bequest to the United States.

“(c) Individuals providing voluntary and uncompensated services under subsection (a)(3) shall not be considered Federal employees, except for purposes of chapter 81 of title 5, with respect to job-incurred disability and title 28, with respect to tort claims.”

(b) *TECHNICAL AND CONFORMING AMENDMENT.*—The table of sections for chapter 3 of title 44, United States Code, is amended by inserting after the item relating to section 317 the following:

“318. Transfer of surplus property, acceptance of gifts, and acceptance of voluntary services.”

**GENERAL ACCOUNTING OFFICE**

**SALARIES AND EXPENSES**

For necessary expenses of the General Accounting Office, including not more than \$12,500 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of 1 passenger motor vehicle; advance payments in foreign countries in accordance with section 3324 of title 31, United States Code; benefits comparable to those payable under section 901(5), (6), and (8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), (6), and (8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, \$462,112,000: Provided, That not more than \$4,806,200 of payments received under section 782 of title 31, United States Code, shall be available for use in fiscal year 2004: Provided further, That not more than \$1,200,000 of reimbursements received under section 9105 of title 31, United States Code, shall be available for use in fiscal year 2004: Provided further, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum’s costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants: Provided further, That payments hereunder to the Forum may be credited

as reimbursements to any appropriation from which costs involved are initially financed: Provided further, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International Public Administration (ACIPA) shall be available to finance an appropriate share of ACIPA costs as determined by the ACIPA, including any expenses attributable to membership of ACIPA in the International Institute of Administrative Sciences: Provided further, That this appropriation shall hereafter be available to finance an appropriate share of the Federal Accounting Standards Advisory Board costs.

#### ADMINISTRATIVE PROVISION

SEC. 1401. PAYMENT FOR AUDITS. (a) IN GENERAL.—At any time during fiscal year 2004 or thereafter, the Comptroller General may accept payment from the Securities and Exchange Commission for the performance of any audit of the financial statements of the Commission which is conducted by the Comptroller General.

(b) CREDIT TO ACCOUNT.—Any payment accepted under the authority of subsection (a) shall be credited to the account established for salaries and expenses of the General Accounting Office, and shall be available for obligation and expenditure upon receipt.

#### PAYMENT TO THE OPEN WORLD LEADERSHIP CENTER TRUST FUND

For a payment to the Open World Leadership Center Trust Fund for financing activities of the Open World Leadership Center, \$14,000,000.

#### TITLE II—GENERAL PROVISIONS

SEC. 201. MAINTENANCE AND CARE OF PRIVATE VEHICLES. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

SEC. 202. FISCAL YEAR LIMITATION. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2004 unless expressly so provided in this Act.

SEC. 203. RATES OF COMPENSATION AND DESIGNATION. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 (46 Stat. 32 et seq.) is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: Provided, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

SEC. 204. CONSULTING SERVICES. The expenditure of any appropriation under this Act for any consulting service through procurement contract, under section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued under existing law.

SEC. 205. AWARDS AND SETTLEMENTS. Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of the Congressional Accountability Act (2 U.S.C. 1415(a)) to pay awards and settlements as authorized under such subsection.

SEC. 206. COSTS OF LBFMC. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26,

1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed \$2,000.

#### TITLE III—FISCAL YEAR 2003 EMERGENCY SUPPLEMENTAL

For an additional amount for "Department of Homeland Security, Emergency Preparedness and Response, Disaster Relief Fund", to cover necessary expenses under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), \$1,550,000,000, and notwithstanding 42 U.S.C. 5203, to remain available until expended: Provided, That for an additional amount for "National Aeronautics and Space Administration, Human Space Flight", to cover necessary expenses for responding to the Space Shuttle Columbia accident, \$50,000,000, to remain available until expended: Provided further, That for an additional amount for "Department of Agriculture, Forest Service, Wildland Fire Management", to cover necessary expenses for wildfire suppression and emergency rehabilitation activities of the Forest Service, \$253,000,000, to remain available until expended: Provided further, That for an additional amount for "Department of the Interior, Bureau of Land Management, Wildland Fire Management", to cover necessary expenses for wildfire suppression and emergency rehabilitation activities of the Bureau of Land Management, \$61,000,000, to remain available until expended, of which \$25,000,000 shall be available for emergency actions to reduce the threat to human safety in areas declared under a State of Emergency by the Governor of any State due to the danger of catastrophic fire from dead and dying trees, including—(1) clearing of evacuation routes, (2) clearing around emergency shelter locations, (3) clearing around emergency communication sites, and (4) clearing buffer zones around highly populous communities in order to prevent fire sweeping through such communities: Provided further, That for an additional amount for "Corporation for National and Community Service, National and Community Service Programs Operating Expenses", for grants under the National Service Trust program authorized under subtitle C of title I of the National and Community Service Act of 1990 (the "Act") (42 U.S.C. 12571 et seq.) (relating to activities including the AmeriCorps program) and for educational awards authorized under subtitle D of title I of the Act (42 U.S.C. 12601), \$100,000,000, with funds for grants to remain available until September 30, 2004, and funds for educational awards to remain available until expended: Provided further, That the first proviso under the heading "Corporation for National and Community Service, National and Community Service Programs Operating Expenses" in Public Law 108-7 shall apply only to positions originally approved subsequent to March 10, 2003: Provided further, That the Inspector General of the Corporation for National and Community Service shall conduct random audits of the Corporation and the grantees that administer activities under the AmeriCorps programs and shall de-fund any grantee that has been determined to have committed any substantial violations of the requirements of the AmeriCorps programs: Provided further, That the Corps of Engineers shall immediately reprogram such funds as are necessary to cover \$11,000,000 in contractual obligations and other expenses relating to the Grand Forks Flood Control Project, Grand Forks, North Dakota, authorized by section 137 of title I of division C of Public Law 105-277 (112 Stat. 2681-597): Provided further, That Notwithstanding any other provision of law, during the period from September 1 through September 30, 2003, the Secretary of Education shall transfer to the Education for the Disadvantaged account an

amount not to exceed \$4,353,368 from amounts that would otherwise lapse at the end of fiscal year 2003 and that were originally made available under the Department of Education Appropriations Act, 2003 or any Department of Education Appropriations Act for a previous fiscal year: Provided further, That the funds transferred to the Education for the Disadvantaged account shall be obligated by September 30, 2003: Provided further, That the Secretary shall notify the Committees on Appropriations of both Houses of Congress of any such transfer: Provided further, That any amounts transferred to the Education for the Disadvantaged account pursuant to this paragraph shall be for carrying out subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965, and shall be allocated, notwithstanding any other provision of law, only to those States that received funds under that subpart for fiscal year 2003 that were less than those States received under that subpart for fiscal year 2002: Provided further, That the Secretary of Education shall use these additional funds to increase those States' allocations under that subpart up to the amount they received under that subpart for fiscal year 2002: Provided further, That each such State shall use the funds appropriated under this paragraph to ratably increase the amount of funds for each eligible local educational agency in the State that received less under that subpart in fiscal year 2003 than it received under that subpart in fiscal year 2002: Provided further, That the Secretary shall not take into account the funds made available under this paragraph in determining State allocations under any other program administered by the Secretary in any fiscal year: Provided further, That for an additional amount for "Corps of Engineers—Civil, Flood Control and Coastal Emergencies", for emergency expenses due to flood control, hurricane, and shore protection activities, as authorized by section 5 of the Flood Control Act of August 16, 1941, as amended (33 U.S.C. 701n), \$10,000,000, to remain available until expended: Provided further, That the Secretary of Agriculture shall use \$20,000,000 of the funds of the Commodity Credit Corporation, to remain available until expended, for the suppression and control of the Mormon cricket infestation on public and private land in Nevada, Utah, and Idaho, that amount to be expended in equal amounts among the 3 States: Provided further, That these amounts for these specific purposes are designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004: Provided further, That this paragraph shall be effective immediately upon the enactment of this Act.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendments and requests a conference with the House on the disagreeing votes on the measure.

The Presiding Officer appointed Mr. CAMPBELL, Mr. BENNETT, Mr. STEVENS, Mr. COCHRAN, Mr. BOND, Mr. DURBIN, Mr. JOHNSON, Mr. BYRD, and Ms. MIKULSKI conferees on the part of the Senate.

#### ORDER OF BUSINESS

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, for the information of the Senate, it is my intention to ask the majority leader to

bring the Defense appropriations bill before the Senate on Monday. That will be announced later, I hope. We hope we can have the Defense Appropriations Subcommittee bill, then the Labor appropriations bill, then the Homeland Security bill considered next week by the Senate.

I thank the Senate for their cooperation on this bill. This is another 10-minute vote; is that correct, Mr. President?

The PRESIDING OFFICER. The Senator is correct.

Mr. FRIST. Mr. President, let me just very briefly add to that.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Once we have this last vote, there will be no more rollcall votes today. We will be voting on Monday. We may have several votes on Monday but after 5 o'clock. We will be on Defense on Monday, and, again, we probably will have several votes Monday evening.

After this vote, we will be going back to State Department authorization. We would like to finish that bill. In order to do that, we would need to be considering amendments that have something to do with State authorization and not nongermane amendments. The intention is to attempt to finish that bill. We will not have any rollcall votes today. But again I make the plea with my colleagues to stay for amendments that are on State Department authorization as we go forward.

Again, this will be the last rollcall vote, this one right now, until after 5 o'clock on Monday.

**MILITARY CONSTRUCTION APPROPRIATIONS, FISCAL YEAR 2004**

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 2559, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2559) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time. (At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mrs. BOXER. Mr. President, it seems that every week we discover additional drinking water sources that have been contaminated with perchlorate. More than 20 million Americans in at least 24 States drink water contaminated with perchlorate, including: Alabama, Arizona, California, Iowa, Kansas, Massachusetts, Mary-

land, Missouri, Nebraska, New Mexico, Nevada, New Jersey, New York, North Carolina, Pennsylvania, Texas, Utah, Washington, and West Virginia. In California alone, drinking water sources for up to 10 million people are contaminated with perchlorate. Perchlorate also contaminates much of the lower Colorado River, the main water source for 20 million people across the Southwest, including much of California, Arizona, and Nevada. Millions more eat produce grown with Colorado River water.

We know that perchlorate is the main ingredient in rocket fuel, which accounts for 90 percent of its use. It dissolves readily in many liquids, including water, and moves easily and quickly. There is general agreement that perchlorate is highly toxic and that even at low concentrations perchlorate poses a serious threat to human health, including thyroid cancer and mental and physical retardation. The greatest risks are to pregnant women, newborns, and children.

We also know that the Department of Defense (DOD) has long been not only the primary consumer of perchlorate but also intimately involved in its manufacturing. EPA believes that perchlorate may be present wherever rockets or rocket fuel was made—at least 162 sites in 36 States. The California Department of Health Services has detected perchlorate in 292 public groundwater wells, the majority of which are located near facilities operated by the Department of Defense or its contractors. Additional information provided to the Senate by DOD further confirms that perchlorate contamination is potentially widespread and pervasive at military installations.

The Defense Department has said that it is not willing to start cleanup of perchlorate until there is a national drinking water standard, but the Environmental Protection Agency indicates that it will further delay finalizing the standard for at least another 2 years. Our military has protected the American people for centuries. For this, we are grateful. DOD must reaffirm that this commitment extends to protecting citizens within the United States from threats to their public health that may arise from critical defense activities. DOD must not adopt a delay strategy while private parties and local communities, such as California's Inland Empire, San Gabriel Valley, and the Sacramento area, adopt costly measures to assure the purity of drinking water supplies.

DOD is legally obligated to clean up perchlorate and other hazardous waste contamination at its sites under a variety of State and Federal laws and regulations, including, for example, the Comprehensive Environmental Response, Compensation and Liability Act (Superfund), the Resource Conservation and Recovery Act, and State hazardous waste cleanup laws. Communities have already spent millions on priority actions to reduce the threat to

Americans—and I urge the Defense Department to do so as well.

Perchlorate is a clear and present danger to California's, and the Nation's, public health. We cannot wait any longer to address this threat. DOD needs to get moving and protect our drinking water sooner rather than later. •

Mr. NICKLES. Mr. President, I rise in support of S. 1357, the military construction appropriations bill for fiscal year 2004, as reported by the Senate Committee on Appropriations.

I commend the distinguished chairman and the ranking member for bringing the Senate a carefully crafted spending bill within the subcommittee's 302(b) allocation and consistent with the discretionary spending cap for 2004.

The pending bill provides \$9.2 billion in new budget authority and \$2.6 billion in new outlays in fiscal year 2004 for military construction, family housing, and base realignment and closure for the Department of Defense. With outlays from prior years and other completed actions, the Senate bill totals \$9.2 billion in budget authority and \$10.3 billion in outlays.

All funds provided in this bill are discretionary spending. The bill is at the subcommittee's 302(b) allocation for budget authority and \$24 million in outlays below the 302(b) allocation. The bill provides \$39 million less budget authority and \$3 million more outlays than was in the President's budget request.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be inserted in the RECORD at the conclusion of my remarks. I urge the adoption of the bill.

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

S. 1357, MILITARY CONSTRUCTION APPROPRIATIONS, 2004, SPENDING COMPARISONS—SENATE-REPORTED BILL  
(Fiscal year 2004, dollars in millions)

Category	General purpose	Mandatory	Total
<b>Senate-reported bill:</b>			
Budget authority .....	9,196		9,196
Outlays a/ .....	10,273		10,273
<b>Senate 302(b) allocation</b>			
Budget authority .....	9,196		9,196
Outlays .....	10,297		10,297
<b>2003 level:</b>			
Budget authority .....	10,751		10,751
Outlays .....	10,059		10,059
<b>President's request:</b>			
Budget authority .....	9,235		9,235
Outlays .....	10,270		10,270
<b>House-passed bill:</b>			
Budget authority .....	9,196		9,196
Outlays .....	10,282		10,282
<b>SENATE-REPORTED BILL COMPARED TO:</b>			
<b>Senate 302(b) allocation:</b>			
Budget authority .....			
Outlays .....	(24)		(24)
<b>2003 level:</b>			
Budget authority .....	(1,555)		(1,555)
Outlays .....	214		214
<b>President's request:</b>			
Budget authority .....	(39)		(39)
Outlays .....	3		3
<b>House-passed bill:</b>			
Budget authority .....			
Outlays .....	(9)		(9)

Note.—Details may not add to Totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

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 Wyoming (Mr. THOMAS) is necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM) the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Georgia (Mr. MILLER), and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

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

The result was announced—yeas 91, nays 0, as follows:

[Rollcall Vote No. 274 Leg.]

YEAS—91

Akaka	DeWine	Lott
Alexander	Dodd	Lugar
Allard	Dole	McCain
Allen	Domenici	McConnell
Baucus	Dorgan	Mikulski
Bayh	Durbin	Murkowski
Bennett	Ensign	Nelson (FL)
Biden	Enzi	Nelson (NE)
Bingaman	Feingold	Nickles
Bond	Feinstein	Pryor
Breaux	Fitzgerald	Reed
Brownback	Frist	Reid
Bunning	Graham	Roberts
Burns	Grassley	Rockefeller
Byrd	Gregg	Santorum
Campbell	Hagel	Sarbanes
Cantwell	Harkin	Schumer
Carper	Hatch	Sessions
Chafee	Hutchison	Shelby
Chambliss	Inhofe	Smith (OR)
Clinton	Inouye	Snowe
Cochran	Jeffords	Specter
Coleman	Johnson	Stabenow
Collins	Kennedy	Stevens
Conrad	Kohl	Sununu
Cornyn	Kyl	Talent
Corzine	Landrieu	Voinovich
Craig	Lautenberg	Warner
Crapo	Leahy	Wyden
Daschle	Levin	
Dayton	Lincoln	

NOT VOTING—9

Boxer	Hollings	Miller
Edwards	Kerry	Murray
Graham (FL)	Lieberman	Thomas

The bill (H.R. 2559), as amended, was passed, as follows:

H.R. 2559

*Resolved*, That the bill from the House of Representatives (H.R. 2559) entitled "An Act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes," do pass with the following amendment:

Strike out all after the enacting clause and insert:

*That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated for military construction, family housing, and base realignment and closure functions administered by the Department of Defense, for the fiscal year ending September 30, 2004, and for other purposes, namely:*

MILITARY CONSTRUCTION, ARMY  
(INCLUDING RESCISSION)

*For acquisition, construction, installation, and equipment of temporary or permanent pub-*

*lic works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, \$1,255,155,000, to remain available until September 30, 2008: Provided, That of this amount, not to exceed \$134,645,000, shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: Provided further, That of the funds appropriated for "Military Construction, Army" in previous Military Construction Appropriation Acts, \$183,615,000 are rescinded.*

MILITARY CONSTRUCTION, NAVY  
(INCLUDING RESCISSION)

*For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, \$1,195,659,000, to remain available until September 30, 2008: Provided, That of this amount, not to exceed \$77,283,000, shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: Provided further, That of the funds appropriated for "Military Construction, Navy" in previous Military Construction Appropriation Acts, \$39,322,000 are rescinded.*

MILITARY CONSTRUCTION, AIR FORCE

*For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, \$1,056,377,000, to remain available until September 30, 2008: Provided, That of this amount, not to exceed \$112,075,000, shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.*

MILITARY CONSTRUCTION, DEFENSE-WIDE  
(INCLUDING TRANSFER AND RESCISSIONS OF FUNDS)

*For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, \$712,567,000, to remain available until September 30, 2008: Provided, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as he may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided further, That of the amount appropriated, not to exceed \$70,881,000, shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons*

*therefor: Provided further, That of the funds appropriated for "Military Construction, Defense-wide" in previous Military Construction Appropriation Acts, \$32,680,000 are rescinded.*

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

*For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$304,085,000, to remain available until September 30, 2008.*

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

*For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$221,013,000, to remain available until September 30, 2008.*

MILITARY CONSTRUCTION, ARMY RESERVE

*For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$73,979,000, to remain available until September 30, 2008.*

MILITARY CONSTRUCTION, NAVAL RESERVE

*For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$34,742,000, to remain available until September 30, 2008.*

MILITARY CONSTRUCTION, AIR FORCE RESERVE

*For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$57,426,000, to remain available until September 30, 2008.*

NORTH ATLANTIC TREATY ORGANIZATION

SECURITY INVESTMENT PROGRAM

*For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized in Military Construction Authorization Acts and section 2806 of title 10, United States Code, \$169,300,000, to remain available until expended.*

FAMILY HOUSING CONSTRUCTION, ARMY

(INCLUDING RESCISSION)

*For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension and alteration, as authorized by law, \$409,191,000, to remain available until September 30, 2008: Provided, That of the funds appropriated for "Family Housing Construction, Army" in previous Military Construction Appropriation Acts, \$52,300,000 are rescinded.*

FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

*For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$1,043,026,000, to remain available until September 30, 2005.*

FAMILY HOUSING CONSTRUCTION, NAVY AND

MARINE CORPS

(INCLUDING RESCISSION)

*For expenses of family housing for the Navy and Marine Corps for construction, including*

acquisition, replacement, addition, expansion, extension and alteration, as authorized by law, \$184,193,000, to remain available until September 30, 2008: Provided, That of the funds appropriated for "Family Housing Construction, Navy and Marine Corps" in previous Military Construction Appropriation Acts, \$3,585,000 are rescinded.

**FAMILY HOUSING OPERATION AND MAINTENANCE,  
NAVY AND MARINE CORPS**

For expenses of family housing for the Navy and Marine Corps for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$852,778,000, to remain available until September 30, 2005.

**FAMILY HOUSING CONSTRUCTION, AIR FORCE  
(INCLUDING RESCISSION)**

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension and alteration, as authorized by law, \$657,026,000, to remain available until September 30, 2008: Provided, That of the funds appropriated for "Family Housing Construction, Air Force" in previous Military Construction Appropriation Acts, \$29,039,000 are rescinded.

**FAMILY HOUSING OPERATION AND MAINTENANCE,  
AIR FORCE**

For expenses of family housing for the Air Force for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$834,468,000, to remain available until September 30, 2005.

**FAMILY HOUSING CONSTRUCTION, DEFENSE-WIDE**

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension and alteration, as authorized by law, \$350,000, to remain available until September 30, 2008.

**FAMILY HOUSING OPERATION AND MAINTENANCE,  
DEFENSE-WIDE**

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for operation and maintenance, leasing, and minor construction, as authorized by law, \$49,440,000, to remain available until September 30, 2005.

**DEPARTMENT OF DEFENSE FAMILY HOUSING  
IMPROVEMENT FUND**

For the Department of Defense Family Housing Improvement Fund, \$300,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing, and supporting facilities.

**BASE REALIGNMENT AND CLOSURE ACCOUNT**

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101-510), \$370,427,000, to remain available until expended.

**GENERAL PROVISIONS—MILITARY  
CONSTRUCTION**

SEC. 101. None of the funds appropriated in Military Construction Appropriations Acts shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed \$25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds appropriated to the Department of Defense for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds appropriated to the Department of Defense for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the

construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds appropriated in this Act may be used to begin construction of new bases inside the continental United States for which specific appropriations have not been made.

SEC. 105. No part of the funds provided in Military Construction Appropriations Acts shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or his designee; (3) where the estimated value is less than \$25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds appropriated in Military Construction Appropriations Acts shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Military Construction Appropriations Acts.

SEC. 107. None of the funds appropriated in Military Construction Appropriations Acts for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations.

SEC. 108. No part of the funds appropriated in Military Construction Appropriations Acts may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds appropriated in Military Construction Appropriations Acts may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations.

SEC. 111. None of the funds appropriated in Military Construction Appropriations Acts may be obligated for architect and engineer contracts estimated by the Government to exceed \$500,000 for projects to be accomplished in Japan, in any NATO member country, or in countries bordering the Arabian Sea, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds appropriated in Military Construction Appropriations Acts for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Sea, may be used to award any contract estimated by the Government to exceed \$1,000,000 to a foreign contractor: Provided, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: Provided further, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

SEC. 113. The Secretary of Defense is to inform the appropriate committees of Congress, including the Committees on Appropriations, of the plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed \$100,000.

SEC. 114. Not more than 20 percent of the appropriations in Military Construction Appropriations Acts which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year.

(TRANSFER OF FUNDS)

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 117. Notwithstanding any other provision of law, any funds appropriated to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were appropriated if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

(TRANSFER OF FUNDS)

SEC. 118. During the 5-year period after appropriations available to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation "Foreign Currency Fluctuations, Construction, Defense" to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 119. The Secretary of Defense is to provide the Committees on Appropriations of the Senate and the House of Representatives with an annual report by February 15, containing details of the specific actions proposed to be taken by the Department of Defense during the current fiscal year to encourage other member nations of the North Atlantic Treaty Organization, Japan, Korea, and United States allies bordering the Arabian Sea to assume a greater share of the common defense burden of such nations and the United States.

(TRANSFER OF FUNDS)

SEC. 120. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to be merged with, and to be available for the same purposes and the same time period as that account.

(TRANSFER OF FUNDS)

SEC. 121. Subject to 30 days prior notification to the Committees on Appropriations, such additional amounts as may be determined by the Secretary of Defense may be transferred to the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in "Family Housing" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: Provided, That appropriations made available to

the Fund shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169, title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing and supporting facilities.

SEC. 122. None of the funds appropriated or made available by this Act may be obligated for Partnership for Peace Programs in the New Independent States of the former Soviet Union.

SEC. 123. (a) Not later than 60 days before issuing any solicitation for a contract with the private sector for military family housing the Secretary of the military department concerned shall submit to the congressional defense committees the notice described in subsection (b).

(b)(1) A notice referred to in subsection (a) is a notice of any guarantee (including the making of mortgage or rental payments) proposed to be made by the Secretary to the private party under the contract involved in the event of—

(A) the closure or realignment of the installation for which housing is provided under the contract;

(B) a reduction in force of units stationed at such installation; or

(C) the extended deployment overseas of units stationed at such installation.

(2) Each notice under this subsection shall specify the nature of the guarantee involved and assess the extent and likelihood, if any, of the liability of the Federal Government with respect to the guarantee.

(c) In this section, the term "congressional defense committees" means the following:

(1) The Committee on Armed Services and the Military Construction Subcommittee, Committee on Appropriations of the Senate.

(2) The Committee on Armed Services and the Military Construction Subcommittee, Committee on Appropriations of the House of Representatives.

(TRANSFER OF FUNDS)

SEC. 124. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program. Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 125. Notwithstanding this or any other provision of law, funds appropriated in Military Construction Appropriations Acts for operations and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including general or flag officer quarters: Provided, That not more than \$35,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days advance prior notification to the appropriate committees of Congress, except that an after-the-fact notification shall be submitted if the limitation is exceeded solely due to costs associated with environmental remediation that could not be reasonably anticipated at the time of the budget submission: Provided further, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations all operations and maintenance expenditures for each individual general or flag officer quarters for the prior fiscal year: Provided further, That nothing herein precludes the Secretary concerned from using funds pursuant to 10 U.S.C. 2601.

SEC. 126. None of the funds made available in this Act may be transferred to any department,

agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 127. No funds appropriated in this Act under the heading "North Atlantic Treaty Organization Security Investment Program"; and no funds appropriated for any fiscal year before fiscal year 2004 for that program that remain available for obligation, may be obligated or expended for the conduct of studies of missile defense.

SEC. 128. (a) COMMISSION ON REVIEW OF OVERSEAS MILITARY FACILITY STRUCTURE OF THE UNITED STATES.—(1) There is established the Commission on the Review of the Overseas Military Facility Structure of the United States (in this section referred to as the "Commission").

(2)(A) The Commission shall be composed of 8 members of whom—

(i) 2 shall be appointed by the Majority Leader of the Senate;

(ii) 2 shall be appointed by the Minority Leader of the Senate;

(iii) 2 shall be appointed by the Speaker of the House of Representatives; and

(iv) 2 shall be appointed by the Minority Leader of the House of Representatives.

(B) Individuals appointed to the Commission shall have significant experience in the national security or foreign policy of the United States.

(C) Appointments of the members of the Commission shall be made not later than 45 days after the date of the enactment of this Act.

(3) Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(4) Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(5) The Commission shall meet at the call of the Chairman.

(6) A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(7) The Commission shall select a Chairman and Vice Chairman from among its members.

(b) DUTIES.—(1) The Commission shall conduct a thorough study of matters relating to the military facility structure of the United States overseas.

(2) In conducting the study, the Commission shall—

(A) assess the number of forces required to be forward based outside the United States;

(B) examine the current state of the military facilities and training ranges of the United States overseas for all permanent stations and deployed locations, including the condition of land and improvements at such facilities and ranges and the availability of additional land, if required, for such facilities and ranges;

(C) identify the amounts received by the United States, whether in direct payments, in-kind contributions, or otherwise, from foreign countries by reason of military facilities of the United States overseas;

(D) assess whether or not the current military basing and training range structure of the United States overseas is adequate to meet the current and future mission of the Department of Defense, including contingency, mobilization, and future force requirements;

(E) assess the feasibility and advisability of the closure or realignment of military facilities of the United States overseas, or of the establishment of new military facilities of the United States overseas; and

(F) consider or assess any other issue relating to military facilities of the United States overseas that the Commission considers appropriate.

(3)(A) Not later than August 30, 2004, the Commission shall submit to the President and Congress a report which shall contain a detailed statement of the findings and conclusions of the

Commission, together with its recommendations for such legislation and administrative actions as it considers appropriate.

(B) In addition to the matters specified in subparagraph (A), the report shall also include a proposal by the Commission for an overseas basing strategy for the Department of Defense in order to meet the current and future mission of the Department.

(c) POWERS.—(1) The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this section.

(2) The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this section. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(3) Upon request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support necessary for the Commission to carry out its duties under this section.

(4) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(5) The Commission may accept, use, and dispose of gifts or donations of services or property.

(d) PERSONNEL MATTERS.—(1) Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission under this section. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2)(A) Members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission under this section.

(B) Members and staff of the Commission may receive transportation on aircraft of the Military Airlift Command to and from the United States, and overseas, for purposes of the performance of the duties of the Commission to the extent that such transportation will not interfere with the requirements of military operations.

(3)(A) The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties under this section. The employment of an executive director shall be subject to confirmation by the Commission.

(B) The Commission may employ a staff to assist the Commission in carrying out its duties. The total number of the staff of the Commission, including an executive director under subparagraph (A), may not exceed 12.

(C) The Chairman of the Commission may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(4) Any employee of the Department of Defense, the Department of State, or the General

Accounting Office may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(5) The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(e) SECURITY.—(1) Members and staff of the Commission, and any experts and consultants to the Commission, shall possess security clearances appropriate for their duties with the Commission under this section.

(2) The Secretary of Defense shall assume responsibility for the handling and disposition of any information relating to the national security of the United States that is received, considered, or used by the Commission under this section.

(f) TERMINATION.—The Commission shall terminate 45 days after the date on which the Commission submits its report under subsection (b).

(g) FUNDING.—(1) Of the amount appropriated by this Act, \$3,000,000 shall be available to the Commission to carry out this section.

(2) The amount made available by paragraph (1) shall remain available, without fiscal year limitation, until September 2005.

This Act may be cited as the "Military Construction Appropriations Act, 2004".

Mr. LUGAR. 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.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment and requests a conference with the House on the disagreeing votes on this measure.

The Presiding Officer appointed Mrs. HUTCHISON, Mr. BURNS, Mr. CRAIG, Mr. DEWINE, Mr. BROWNBACK, Mr. STEVENS, Mrs. FEINSTEIN, Mr. INOUE, Mr. JOHNSON, Ms. LANDRIEU, and Mr. BYRD conferees on the part of the Senate.

The PRESIDING OFFICER. The Senator from Indiana.

#### MORNING BUSINESS

Mr. LUGAR. Mr. President, I ask unanimous consent that there now be a period of morning business until 12:45 with Senators permitted to speak for up to 10 minutes each.

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

The Senator from Massachusetts.

#### MINIMUM WAGE

Mr. KENNEDY. Mr. President, I pay tribute to our two floor managers of a very important bill that I intend to support when we have a chance to reach it, which I hope will be done in the not too distant future. I commend our floor managers for the work they have done in bringing this legislation before the Senate.

There were two issues I had hoped we would have an opportunity to present to the Senate. One was an increase in the minimum wage. Another was working with the Senator from Oregon, Mr. SMITH, on the hate crimes issue. We are

hopeful to be able to address those during consideration of this legislation without taking a great deal of time.

I had intended to offer an amendment on the legislation now and was quite prepared to move ahead with a reasonable time period, up to an hour of time evenly divided. Then we could make a judgment with regard to hate crimes to enter into a similar kind of time agreement so that we would not delay the underlying legislation. But the problem we have is the leadership has decided we would defer action on the amendment until some future time. I regret that, but I understand it. It is the prerogative of the leadership. We will at that time have a chance to again raise this issue.

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

Mr. KENNEDY. I am glad to yield.

Mr. REID. Before the Senator starts his statement, I wondered if the Senator would acknowledge that after the vote on the military construction appropriations bill, automatically recurring in the Senate is the bill that we have been working on for 1 day—1 day—the State Department authorization. The Senator understands that bill has not passed since 1985, principally because of being held up by the distinguished Senator from North Carolina, Mr. Helms. Does the Senator acknowledge that and also acknowledge the fact that we only had a few amendments left, one of which was the minimum wage, and we could have completed this bill in a couple of days? Will the Senator also acknowledge because of his offering a minimum wage amendment, they simply took the bill down, and we are not now able to offer the amendments? Will the Senator acknowledge that?

Mr. KENNEDY. The Senator from Nevada is quite correct. As our deputy leader, he has an understanding of the amendments on our side. He has correctly stated the position; that is, speaking for this side of the aisle, we are prepared to move to final passage of the legislation, but there are a few amendments, one of which is the minimum wage which, under a short time limit, can be disposed of quite rapidly. But quite frankly, we have only had 1 day of debate on the State Department authorization, and we haven't had an opportunity to raise this issue for 7 years.

I know there are those who say, let's let this issue be deferred. It has been 7 long years since we have had an increase in the minimum wage. So those individuals who are at the lowest end of the economic ladder, working 40 hours a week, 52 weeks of the year, have been losing purchasing power day in and day out. We have not increased the minimum wage in 7 years.

With all due respect to other Members of this body, it is Friday at 11 o'clock. We are prepared to debate the issue and have a vote on it. People are entitled to have an indication of what the membership wants to do.

We take this issue very seriously because of the desperate situation affecting those on the lower end of the economic ladder. Quite frankly, historically this has not been a Democratic issue. It has been a bipartisan issue.

The long history of increases in the minimum wage has been basically bipartisan. It was enacted by Franklin Roosevelt in 1938; increased by Harry Truman; increased by Dwight Eisenhower in 1955 by \$1; increased by President John Kennedy in 1961 by \$2.35; increased by Lyndon Johnson; increased by a Republican, Gerry Ford; increased by Jim Carter; increased by George Bush No. 1; increased by Bill Clinton.

Republicans and Democrats have voted for an increase in the minimum wage since 1938. It has not been a partisan issue. We find in recent times that our Republican friends have been unwilling to both support it and give us the opportunity to debate the issue.

This chart shows the long history of increases in the minimum wage as well as the amounts. Even with those kinds of increases, if you look at the purchasing power of the minimum wage, as this chart indicates, it is now at perhaps its lowest level of purchasing power, \$4.95. There was one other time when it was \$4.35. It is \$4.95 and continuing to drop, and it will reach the lowest level in terms of purchasing power since even before 1962, unless we take action.

With this amendment it would increase, in terms of purchasing power, to \$6.40, which is well below what the minimum wage has been over the period of the last 40 years. So this is a very modest program. It would increase to \$6.65 in today's dollars.

I want to share with the Senate what the minimum wage is in relation to the issues of poverty in the United States. Look at this chart. Here is the poverty level. Just \$14,500 is the poverty level. The blue indicator is what has happened to the minimum wage in relation to poverty.

Most Americans believe that if people are going to work hard 40 hours a week, 52 weeks of the year, they should not live in poverty. They should not live in poverty. In the wealthiest, most successful economy in the world, this is what is happening. We find that the minimum wage workers are well below the poverty level.

As a result, every day that we delay we see minimum wage workers falling further behind. All of the gains since the 1997 increase in the minimum wage already have been lost.

What are we talking about? We are talking about an increase of \$1.50, 75 cents this year, 75 cents next year. What does that amount to? That amounts to \$3,000 over the course of a year. Translated, it means 15 months of groceries, 8 months of rent, 7 months of utilities, and the full tuition for a child of the minimum wage worker. This is what we are talking about. We are talking about groceries; we are talking

about rent; we are talking about utilities; we are talking about education at this time.

We have had a good deal of debate in terms of the tax cuts and what that will do for the wealthiest individuals. This is the kind of difference that this will make over the period of 1 year.

Let me just put this in some perspective about what the increase in the minimum wage will mean in terms of the total combined income for workers over the course of the year because you will hear the argument: Can we do this now because of the issues of inflation? I would like to anticipate that argument. And then: Can we afford to do it in anticipation of the problems of high unemployment?

First on the issue of an increase of \$1.50 to workers, it is vital to minimum wage workers; it is a drop in the bucket in the national payroll. All Americans combined earn \$5.4 trillion a year. At a \$1.50 minimum wage increase this will be less than one-fifth of 1 percent of the national payroll. The idea that we are contributing to inflation just does not carry.

I will take a moment of the Senate's time to look over what has happened, the increase in the minimum wage as to the issues of employment and unemployment. An argument will be made: Look the Democrats make a good deal about the unemployment that we are facing today. If we pass this increase in the minimum wage, are we going to increase unemployment? All you have to do is look at the various studies which I will speak to later in the presentation. But I would like to just look back over the history of the last increase in the minimum wage. If you look at 1996, the minimum wage was increased to \$4.75. In 1996, we had unemployment just above 5.3 percent. So the increase in the minimum wage was going up during this time while the unemployment was coming down.

Then the second phase of the increase to the minimum wage which we passed was September 1997. That raised it from \$4.75 to \$5.15. The chart shows unemployment continuing to decline. Study after study indicates that this it virtually has no effect or impact on the unemployment rate.

Let me just say, the issue in the increase of the minimum wage is a women's issue because the great majority of the people who receive the minimum wage are women. This increase in the minimum wage is a children's issue because a many of the women who are receiving the minimum wage have children. And it is about their quality of life and that of their families. It is a civil rights issue because forty percent of those individuals who earn the minimum wage are men and women of color.

Finally, this increase in the minimum wage is a fairness issue. Americans understand fairness. They understand if you are going to work hard 40 hours a week, 52 weeks of the the year, you should not live in poverty.

That is the case. This is a no brainer. We do not have to spend a lot of time in debate. We voted on this. It is as old an issue as 1938. We can vote on this. It is a simple issue of whether this institution believes in fairness and decency for some of the hardest working men and women in our country. And it is about time that we do it.

From our point of view as the proponents, we are prepared to vote at any time that the other side will give us the opportunity to do so.

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

Mr. KENNEDY. I yield.

Mr. DURBIN. I thank the Senator from Massachusetts for continuing to raise this issue, sadly, for 7 years. Unfortunately, we have not done our part to raise the minimum wage, but I would go to the point that the Senator from Massachusetts raised.

Last week I went to a summer feeding program for children who ordinarily get school lunches. These are struggling families in my city of Chicago. I sat down at a table with a young African American girl, second grader, named Sharya, and I said to her: "What did you have for dinner last night?" She said: "Well, my mom was working late and she got home after I went to sleep. I had a bowl of cereal for dinner."

The point I am making to the Senator, and I ask him if he would return and tell us the impact, here is a young girl being raised by a mother who is probably working two jobs because we will not increase the minimum wage. The point being made by the Senator from Massachusetts is, we are not talking about welfare recipients; we are talking about working people who get up and go to work every day to sometimes two jobs. Sometimes they are invisible to our lives. These are the people who are washing the dishes in the kitchens, busing the tables, and cleaning our rooms.

I ask the Senator from Massachusetts, is this not first and foremost a family issue in terms of dignity for working families and people who are trying to keep their kids well fed and clothed and keep them together? I ask the Senator from Massachusetts, how in this great nation, when we are giving away trillions of dollars in tax cuts to the wealthiest people in this country, can we not afford 50 cents or a dollar an hour for people who are struggling to try to keep their families together?

Mr. KENNEDY. The Senator has put his finger on one of the key factors and legitimate reasons for the increase in the minimum wage, because this is a family issue—the number of minimum wage workers working two jobs, some even three jobs, the testimony that we have had where the only times that young parents see their children together may be for a few hours on a Sunday morning.

The PRESIDING OFFICER. The Senator's time in morning business has expired.

Mr. KENNEDY. I ask unanimous consent for 10 more minutes.

The PRESIDING OFFICER. Is there objection?

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

Mr. KENNEDY. Let me continue, if I may. So this is a family issue. It is about, as the Senator knows, the numbers of mothers and fathers who have to look into the eyes of their children and say, "No, you can't get a little birthday present," or, "No, you can't go to the skating party where all the other children are going." "No, you can't do this because we haven't got the resources." That is happening every day. These are hard-working men and women. It is the family issue.

As the Senator has mentioned, who are these minimum wage workers? These minimum wage workers are teacher's aides.

We say we care about education. We know the challenges we are facing on education. We know the particular stress that is taking place in the States on education. These workers are teacher's aides. We say we care about our senior citizens, men and women who have sacrificed. They ought to have their golden years in peace and dignity. These are workers in nursing homes. They are the recipients. They are taking care of the parents and the grandparents in this country.

These are the men and women who clean the great facilities where the American enterprise continues to grow and strive throughout this country. As the Senator points out, these are hard-working men and women. This is a family issue. These are decent, hard-working fellow Americans, and they have seen their purchasing power fall and fall.

If my colleagues look over at this chart, it indicates where the disparity has been going in the United States over the past years. As we all know, the wealthy are getting wealthier and the hard-working Americans who are at the lower rung of the economic ladder are falling further behind.

We know we have the earned-income tax credit that assists families with children, and that is important. But if one is talking about a single parent with a single child, the minimum wage makes all the difference in the world.

Mr. DURBIN. May I ask the Senator one other question. Is it not part of an interesting pattern that when we talk about the economy, jobs, and growth, we talk about tax breaks primarily for wealthy people, but when we talk about struggling working families, we cannot seem to find an increase in the minimum wage, we cannot find a child tax credit for people in lower income categories? Why is it that this administration, this Government, turns a blind eye to the people who are struggling with the lower income jobs, the middle-income jobs, really the backbone of America's economy, people who need the help the most? Does not this minimum wage issue tell us the same story?

There is absolutely no recognition or sensitivity by this administration and the White House to these people. Here we stand, 2½ years into this administration, and I ask the Senator from Massachusetts, has President Bush suggested at any point in those 2½ years any increase in the minimum wage to help people who are struggling to survive in this tough economy?

Mr. KENNEDY. The Senator is quite correct. There has been no mention of this by this administration. We have had other administrations that at least advocated some increase, and eventually we were able to work out an accommodation over a period of time. This administration, as the Senator has pointed out, has not only not mentioned the increase in the minimum wage and not only has resisted the tax credit for children but also put in new rules and regulations on the earned-income tax credit that are going to make it more difficult for the same individuals at the bottom end of the economic ladder who have children, who are working hard, playing by the rules, to be able to participate in this program.

The Senator is quite correct that the neediest Americans, the ones who are working trying to make a living for themselves, trying to bring up children, facing the most serious economic challenges of our time, are basically shunted aside and ignored by this administration.

Mr. REID. Will the Senator yield for four questions?

Mr. KENNEDY. Yes.

Mr. REID. No. 1, the Senator has mentioned, and I want to ask if the Senator will emphasize this, that the minimum wage is a program in which 40 percent of the people who draw minimum wage are women; is that true?

Mr. KENNEDY. Sixty-three percent of those who receive the minimum wage are women.

Mr. REID. It is 20 percent more than my statistics indicate, and I am sure the Senator is right. For the majority of those women, that is the majority of the money they get for themselves and their family. Do they depend on that totally, is what I am trying to ask.

Mr. KENNEDY. The Senator is correct. More often than not, they not only work at one minimum-wage job, they work probably at two. So they are working not only 40 hours a week but more often 80 hours a week.

Mr. REID. I ask the Senator from Massachusetts, also, is it not true that we, the Democrats, have tried for 7 years to get an increase in the minimum wage? Is that true?

Mr. KENNEDY. The Senator is correct. We have not been able to get a vote on this issue of an increase in the minimum wage over that period of time. I must say if it had not been for the persistence of our Democratic leaders, Senator REID and Senator DASCHLE, we would not have gotten a vote on it this time. If it had been up to the other side, they would have said, no, we only want the relevant amend-

ments and we can wait for consideration of an increase in the minimum wage. These workers cannot wait. They do not need to wait.

During this period of time, we have found the opportunity to raise our own salaries on five different occasions. We have not found the time to raise the minimum wage, but we have raised the Senate salaries on five different occasions.

I think that is something the American people can understand as well. We are doing something for these Members—and I do not begrudge it, and I voted for those increases—but the fact is we should not leave these people behind.

Mr. REID. Will the Senator also acknowledge that even during the years President Clinton was President, which includes part of the 7 years, we were stopped by the Republicans through procedural measures from having an up-or-down vote on the minimum wage? Is that a fair statement?

Mr. KENNEDY. Well, the Senator probably remembers, we had to file cloture on this in order to try to get a vote, and during that period of time we were able always to get a majority of the Senate, some Republicans and Democrats, but we were blocked because we could not get the 60 votes. We were required to get the 60 votes for the consideration, and we were denied that opportunity.

The Senator remembers very well, as I do, that we were effectively blocked from taking action on the minimum wage.

Mr. REID. The final question I ask my friend from Massachusetts: The minimum wage, I am confident the Senator would acknowledge, is not some wild-eyed idea that someone came up with in the last 5 or 10 years. It is true, is it not, that the minimum wage legislation was initiated during the Great Depression? We have had a minimum wage, and it has been increased, for approximately 70 years. Is that a fair statement?

Mr. KENNEDY. The Senator is quite correct. Absolutely correct.

Mr. REID. So for approximately a tenth of that time, we have been blocked from giving these hard-working men and women, who are not drawing welfare, they are not out being bums and in gangs, they are people of all ages who want to work for a living and are doing the best they can, they are working at minimum wage, and what we want to do, and we are prevented from doing because of the majority, is simply have a vote to allow these people to have a raise in their minimum wage, their basic wage that these people depend on to make it through life.

Mr. KENNEDY. Well, the Senator has made the compelling case on this. We have heard these arguments against it, that it adds to inflation, adds to unemployment, that it works to the disadvantage of minority youth. We had that argument. We can show the statistics that that is not true.

They say, well, what we really need is not an increase in minimum wage but we need an increase in the training wage. We have said, fine, we will add an increase in the training wage. We are prepared to meet any legitimate argument, but we do believe that people who have been working, and working hard and playing by the rules and have waited 7 years and have seen the reduction in terms of the purchasing power, are entitled to at least an accounting in the Senate. That is what we want to find out.

This is not an issue that takes a great deal more discussion and debate. Members knew about the minimum wage before they were elected to the Senate. It is an old issue, older than most of us in this Chamber. People are familiar with it. They have heard the arguments. It is not a new issue, but it is an issue of fairness and decency. It is an issue that should be acted on.

To reiterate, millions of minimum wage workers are suffering because of the continuing weak economy. For years, they have not had any wage increase at all, because Congress continues to refuse to raise the minimum wage.

Even in this troubled economy, Congress has not hesitated to raise its own pay. It is only fair that we raise the minimum wage, too.

That is why I am proposing this amendment to enact a long-overdue increase in the minimum wage. My amendment will raise the current minimum wage of \$5.15 an hour by 75 cents this year and another 75 cents next year, bringing it up to \$6.65 an hour.

We know that poverty has doubled among full-time, year-round workers since the late 1970s. Nearly 33 million people live in poverty today in this country, and an unfairly low minimum wage is a large part of the problem.

Congress has not acted to raise the minimum wage in 7 years. Minimum wage employees working 40 hours a week, 52 weeks a year, earn only \$10,700 a year. That's \$4,500 below the poverty line today for a family of three.

The current minimum wage fails to provide enough income for minimum wage workers to afford adequate housing in any area of this country. A worker earning the minimum wage in Georgia or Illinois, or many other areas of the country, would have to work more than 100 hours a week to afford a two-bedroom apartment.

Every day the minimum wage is not increased, it continues to lose value, and workers fall farther and farther behind. Minimum wage workers have lost all of their gains since we last raised the minimum wage in 1997. Today, the real value of the minimum wage is \$3.00 below what it was in 1968. To have the purchasing power it had in 1968, the minimum wage would have to be more than \$8 an hour today, not \$5.15.

It is shameful that Members of Congress have raised their own pay by \$21,000 in the last 7 years—almost twice what a minimum wage workers makes

in a year—without giving the Nation's lowest paid workers any increase at all.

Nearly 7 million workers would directly benefit from the proposed minimum wage increase, and many of them are parents and the sole breadwinners in their families.

The minimum wage is an economic issue, but it is also a woman's issue. Sixty-three percent of the workers who would benefit from minimum wage increase are women and one-third of those women are mothers.

The minimum wage is also a civil rights issue. An increase in the minimum wage boosts the wage levels of people of color—who are often segregated into low-paying jobs. Millions of African American and Hispanic workers will benefit from an increase in the minimum wage.

Raising the minimum wage is a family issue, too. It is so low that many workers must work long hours to make ends meet. The increase in work hours has a damaging impact on every aspect of life: on families, on personal time, and on employers. At least one in five workers has a work week that exceeds 50 hours.

According to the Families and Work Institute, three out of the top four things that children would most like to change about their working parents are these: They wish their parents were less stressed out by work; they wish they were less tired because of their work; and they wish they could spend more time with them.

Employers as well pay a high price for overworked employees. Productivity suffers, and so does turnover. Overworked employees are more susceptible to illness. They need more sick days, and they are less productive on the job.

Raising the minimum wage obviously will not solve all these problems. But a higher minimum wage may mean that employees can work a little less, and have a few more hours a week of family time and personal time.

Minimum wage earners are forced to make impossible choices—between paying the rent and buying groceries or between paying the heating bill and buying new clothes.

It has been too long since Congress last acted. History clearly shows that raising the minimum wage has not had a negative impact on jobs, employment, or inflation. In the four years after the last minimum wage increase, the economy had its strongest growth in three decades. Nearly 11 million new jobs were added, at a rate of more than 200,000 per month.

A fair increase in the minimum wage is long overdue. How can Congress keep saying no, when more and more workers cannot make ends meet? Can't we all at least agree on this basic principle—that no one who works for a living should have to live in poverty?

#### HATE CRIMES LEGISLATION

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

Mr. KENNEDY. Yes.

Mr. SMITH. I ask the Senator, on the other issue he raised, to put a bipartisan cast to the conversation, is it not true that the Senator and I are the co-sponsors—

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

Mr. KENNEDY. If I could have 30 more seconds on this. I ask unanimous consent for an additional 30 seconds.

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

Mr. KENNEDY. I see my friend and colleague, Senator SMITH, who hopefully will address another issue of hate crimes legislation, for which we have had support and we are also very hopeful of getting a vote on as well.

I see my friend and colleague from New Jersey, Senator CORZINE, and my friend and colleague from Louisiana, as well. I understand my time on morning business has expired.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH. I will not be long. I was mindful Senator KENNEDY was speaking to the issue of hate crimes. I was going to ask him the question that I think he would agree with. We acknowledge at a surface level the argument could be made that hate crimes do not belong on a State Department authorization bill. That is the case at a surface level, but it is also true that our foreign policy should reflect the values of the American people. The values of the American people say the war on terrorism is waged not just abroad but here at home.

Our country is plagued with hate crimes. Some people will say all crimes are hateful, but what Senator KENNEDY and I are focusing on are those crimes which target a community of vulnerable people—whether race, religion, gender, disabled, and additionally those whose sexual orientation is different from the majority.

It is an incredible tragedy that the Federal Government has not been allowed to participate in the hate crimes prosecution in places where sometimes local police departments are overwhelmed by national media, or places where the prosecutions do not occur as they ought to.

Senator KENNEDY and I are proposing as part of this bill we take up the issue of hate crimes. This institution has passed this issue before by large majorities. We ought to do so again.

Many in this country have strong feelings on the issue of gay and lesbian rights—some for, some against—but it is my position that we all ought to be opposed to hate crimes and be prepared to do something about it. I will never forget the enormous tragedy of the murder of Matthew Shepherd and the impact that had on me when I considered the Federal Government was not permitted to help the Laramie police department that was overwhelmed by national media; the Federal Government had to be silent because we had no statutory authority—not to take

over State or local effort—to help them in this effort. As a moral principle the Federal Government ought to show up in the prosecution and pursuit of those who commit hate crimes. These are happening far too often.

Sometimes those on my side will say: This is not consistent with a family value. There is nothing about hate crimes that represents a legitimate family value. Some of the things that are held up as family values are phony values. Marriage is one of those that is a very real family value. We ought to have a debate on that, too. But when it comes to hate crimes, public protection for all of our citizens, we need to act.

Senator KENNEDY and I have both said to the managers of this bill we would rather not bring it up on this bill. It is a fact this authorization is probably one of the few that will make it through in the balance of this session of Congress. We do not think this should wait any longer. We think terrorism abroad, our foreign policy opposing terrorism, ought to be reflected by the values of the American people who oppose terrorism at home. Hate crimes are a very real form of terrorism. We ought to do something about it. The Federal Government ought to show up to work and we ought to come together around a real family value which is the opposition to hate crimes.

I have said before, if you want to talk to me about sin, come with me to church. If you want to talk with me about public policy for all of us sinners, let's go to the Senate and make sure we provide protection for all of America's children. Hate crimes is the vehicle.

The majority leader is working with Senator KENNEDY and I to get us the opportunity before the August recess to have a period of debate—it need not be long—and a straight up-or-down vote so we can get this moving in the process, consistent with America's values abroad so we are consistent at home fighting terrorism.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I commend my friend from Oregon who has been steadfast in his support on the hate crimes legislation and has really provided extraordinary leadership both in the Senate and nationally in helping us to get to the point where we will have a real opportunity to take action. His involvement and work has been enormously important and added a very significant dimension to the movement of the legislation.

Senator SMITH has just stated very eloquently the fundamental reasons for this legislation and has also talked about why this is related to the current measure before the Senate, the State Department authorization.

The challenge we are facing around the world in terms of terrorism and violence is rooted in hatred and bigotry.

The same kind of hatred and bigotry are rooted in these crimes of hate. You do not go very far between potential terrorists and potential perpetrators of hate crimes. They are brothers and sisters—maybe in different locations physically, but they are very much against everything this Nation stands for and believes in.

As the Senator has pointed out, hate crimes are so particularly objectionable and heinous because they focus on a particular class of people. The reason and the motivation for that is bigotry and hate. The idea that the Federal Government is not putting the full force of its support in rooting out and assaulting these crimes has been a great failure.

The good Senator from Oregon and I believe very deeply that we as a society and as a nation ought to be using the full resources of the Federal Government to attack heinous crimes.

Briefly, this chart shows the FBI hate crime statistics, showing the ever-increasing total incidence of hate crimes taking place in the United States. My next chart demonstrates the FBI hate crimes based on sexual orientation, showing the dramatic escalation and increase in hate crimes based on sexual orientation. The terrible tragedy of Mr. Shepherd in Wyoming still resonates in the minds of all Americans, as well as the other hate crimes that have taken place in our Nation.

We have seen since September 11 the dramatic increase in hate crimes against Muslims; hate crimes against American Arabs have escalated dramatically.

We believe, not unlike the outcome we saw when we brought to bear the full resources of the Federal Government in fighting the church burnings primarily in the South 8 to 10 years ago, once we pass legislation in the House and in the Senate to bring the FBI into these investigations, they virtually halt. People in these local communities who were involved in these church burnings knew this country was serious about church burnings. That had a dramatic impact.

Senator SMITH and I believe we should bring the full resources of the Federal Government to focus on these hate crimes—whether it is on the basis of sexual orientation, gender, religiously motivated, anti-Semitic, the whole range of different activities resulting in hatred against groups in our society.

Even Attorney General Ashcroft has said criminal acts of hate run counter to what is best in America, our belief in the quality of freedom.

This is not a Democratic issue; it is not a Republican issue; it is an American issue. I am very hopeful we can get an opportunity to take action. I think it is completely consistent with the overall objectives, in the highest form and sense, of the State Department authorization and is something that needs to be done.

I again thank my friend from Oregon for all of good work and leadership.

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

Mr. KENNEDY. Yes.

Mr. SMITH. Senator KENNEDY has heard opponents of this legislation suggest all crime is hateful and this is unnecessary. But isn't it a fact that for 30 years America has had a hate crimes law, most States have hate crime laws? These have been vetted constitutionally, and even William Rehnquist, the Chief Justice, one of the great conservatives who ever served on the Court, was the author of the opinion that said hate crime laws are constitutional because crime always consists of elements, and hatred is one of the motives of determining whether this fits in the category of a hate crime. Aren't they constitutional? And isn't it a great moral principle for America to say, in terms of new categories of Americans who are demonstrably more vulnerable, that they should now be included in these very old statutes of the United States?

Mr. KENNEDY. The Senator is exactly correct in reminding the Senate about the holding of the Supreme Court, the holding 6 to 3, a very powerful statement by the Supreme Court in terms of the support for this legislation.

As the Senator has pointed out, we have had hate crimes but we have had limitations and restrictions, particularly with regard to Federal hate crimes, which has limited the ability of the Federal Government to involve itself unless the actual hate crime occurred on Federal property. Therefore, the Federal Government has been unable, really, to become involved the way it should.

But, on the broader point about aren't all crimes basically hate crimes, the Senator has stated very clearly that every crime is tragic and harmful in its consequences but not all crime is based on hate. Hate crimes are based on bigotry and prejudice, and hate crimes occur when a perpetrator selects a victim because of who the victim is. Like acts of terrorism, the hate crimes have an impact far greater than the impact on individuals and their families. They are crimes against entire communities, the entire Nation, against the fundamental ideals of liberty and justice for all, on which this country was founded.

That is why it is so important we take action.

Mr. President, although there was a significant overall reduction in violent crimes during the 1990's, the number of hate crimes continued to grow. As this chart shows, according to the Federal Bureau of Investigation, 9,730 hate crimes were reported in the United States in 2001. That's over 26 hate crimes a day, every day.

More than 83,000 hate crimes have been reported since 1991. According to the F.B.I., even though overall crime increased by only 2.1 percent from 2000

to 2001, the number of reported hate crimes increased dramatically—by more than 20 percent.

Sadly, these F.B.I. statistics only show part of the problem. A recent Justice Department report confirmed that many hate crimes go unreported. Another report by the Southern Poverty Law Center, a nonprofit organization that monitors hate groups and extremist activity, estimated that the real number of hate crimes committed in the United States each year is closer to 50,000.

Hate crimes based on sexual orientation continue to be a serious danger, constituting 14 percent of all hate crimes reported. As you can see on this next chart, hate crimes based on sexual orientation are increasing at an alarming rate. Hate crimes based on sexual orientation increased by 7.2 percent from 2000 to 2001, with nearly 1,400 reported for the year.

Each person's life is valuable, and even one life lost is too many. It is not the frequency of hate crimes alone that makes these acts of violence so serious. It is the terror and intimidation they inflict on the victims, their families, their communities, and, in some cases, the entire nation.

The need for an effective national response to the problem of hate crimes is as compelling as it has ever been. As is clearly demonstrated in this chart, hate crimes against Arabs and Muslims rose dramatically in 2001, after the terrorist attacks of September 11th. These hate crimes included murder, beatings, arson, attacks on mosques, shootings, and other assaults. In 2001, anti-Islamic incidents were the second highest-reported type of hate crimes based on religion—second only to anti-Jewish hate crimes. Los Angeles and Chicago reported a massive increase in the number of anti-Arab and anti-Muslim crimes after 9/11.

Over 550 hate crimes were committed against Muslims in 2001—that is fifteen times more than in 2000, and almost six times more than 1998, 1999, and 2000 combined. Almost 900 hate crimes against Arab-Americans, or those perceived to be Arab-American, took place in 2001—eight times the number in 2000.

The backlash following the September 11th attacks has been shameful. Congress cannot sit silent while this hatred spreads. It is long past time for us to do more to end hate motivated-violence.

The Local Law Enforcement Enhancement Act will strengthen the ability of Federal, State, and local governments to investigate and prosecute these vicious and senseless crimes. Our legislation is supported by over 175 law enforcement, civil rights, civic, and religious organizations.

The current Federal law on hate crimes was passed soon after the assassination of Dr. Martin Luther King, Jr. Today, however, it is as generation out of date. It has two significant deficiencies. It does not cover hate crimes based on sexual orientation, gender, or

disability. And even in cases of hate crimes based on race, religion, or ethnic background, it contains excessive restrictions requiring proof that the victims were attacked because they were engaged in certain "federally protected activities."

This "federally protected activity" requirement is outdated, unwise, and unnecessary. There is no reason why the Justice Department should have to prove that someone was engaging in a "federally protected activity" before a case can be brought. This requirement severely limits the ability of the Justice Department to respond to hate crimes against Catholics, Jews, Muslims, and other religious groups. And it hamstring the Department in its effort to respond to hate crimes motivated by the victim's race or ethnic background.

Our bill is designed to close these substantial loopholes. It has six principal provisions:

No. 1, it removes the federally protected activity" barrier.

No. 2, it adds sexual orientation, gender and disability to the existing categories of race, color, religion, and national origin.

No. 3, it protects State interests with a strict certification procedure that requires the Federal Government to consult with local officials before bringing a Federal case.

No. 4, it offers Federal assistance to State and local law enforcement officials to investigate and prosecute hate crimes in any of the Federal categories.

No. 5, it offers training grants for local law enforcement.

No. 6, it amends the Federal Hate Crime Statistics Act to add gender to the existing categories of race, religion, ethnic background, sexual orientation, and disability.

These much needed changes in current law will help ensure that the Department of Justice has what it needs to combat the growing problem of hate-motivated violence more effectively.

Nothing in the bill protects or punishes speech, expression, or association in any way—even "hate speech." It addresses only violent actions that result in death or injury. The Supreme Court has ruled repeatedly—and as recently as this year, in the cross-burning decision *Virginia v. Black*—that a hate crimes statute that considers bias motivation directly connected to a defendant's criminal conduct does not violate the First Amendment. No one has a First Amendment right to commit a crime.

A strong Federal role in prosecuting hate crimes is essential, because crimes have an impact far greater than their impact on individual victims. Nevertheless, our bill fully respects the primary role of State and local law enforcement in responding to violent crime. The vast majority of hate crimes will continue to be prosecuted at the State and local level. The bill

authorizes the Justice Department to assist State and local authorities in hate crimes cases, but it authorizes Federal prosecutions only when a State does not have jurisdiction, or when it asks the Federal Government to take jurisdiction, or when it fails to act against hate-motivated violence. In other words, the bill establishes an appropriate back-up for State and local law enforcement, to deal with hate crimes where states request assistance, or cases that would not otherwise be effectively investigated and prosecuted.

Working cooperatively, State, local and Federal law enforcement officials have the best chance to bring the perpetrators of hate crimes to justice. Federal resources and expertise in the identification and proof of hate crimes can provide invaluable assistance to State and local authorities without undermining the traditional rule of States in prosecuting crimes. As Attorney General Ashcroft has said of current law, "Cooperation between federal agents and local law enforcement officers and between Justice Department prosecutors and local prosecutors has been outstanding." And it will continue to be so, and be even more effective, when this legislation is enacted into law.

Now is the time for Congress to speak with one voice and insist that all Americans will be guaranteed the equal protection of the laws. Now is the time to make combating hate crimes a high national priority. The Local Law Enforcement Enhancement Act is a needed response to a serious problem that continues to plague the nation. I urge my colleagues to support it.

The PRESIDING OFFICER. The Senator from Iowa.

#### MINIMUM WAGE

Mr. HARKIN. Mr. President, I compliment Senator KENNEDY on the statement he made regarding the minimum wage. I wanted to engage in a colloquy about that, but I was called off the floor on other matters.

I think Senator KENNEDY has made it quite clear that, rather than this being one of the throwaway issues that maybe we will address as we go through the year, increasing the minimum wage for the people of this country ought to be No. 1 on our agenda. We ought to be doing this right now.

We had the medical malpractice bill up earlier this week. We spent a couple of days on it. Everyone knew it was not going to go anywhere. Even by their own admission, some Republicans, in the newspapers at least, said it was a political exercise—according to some, in the newspapers. Whether it was or not, everyone knew it wasn't going to go anywhere. Yet here so many Americans are making the minimum wage which, I am sure was pointed out, is now less than the poverty level. It is about \$4,000—some less—I think \$4,500 below the poverty level for a family of three.

It is unconscionable that over the last 7 years, the Congress—the Senate and the House together—has raised its own salaries, our salaries, by \$21,000 a year. We have done that in the last 7 years. Yet a minimum wage in this country today is \$10,500 a year, less than half of what we just increased our own salaries by over the last 7 years. That is what is unconscionable.

These are working people; they are not on welfare. They are working. They are getting the minimum wage. Yet they are earning less than poverty level in this country. If nothing else, at least the minimum wage ought to get you above the poverty level. That is what we ought to be about.

So I compliment Senator KENNEDY for bringing this to the floor. I hope we can have this amendment on a bill here very soon, so we can express ourselves in a realistic way.

Another myth on the minimum wage I hear all the time is that so many of the people making minimum wage are just part-time earners; they are young kids just starting out, on and on. I hear that all the time.

The fact is that 70 percent of those affected by the minimum wage are adults, working adults; 35 percent—one out of three—are their family's sole earner. As Senator KENNEDY pointed out, almost two-thirds of the time these are women. These are single mothers; they are working; they are making the minimum wage; and they are the sole supporter of their family. So these are not just young kids getting a minimum-wage job to supplement the family income. As I said, more than 60 percent are women, one-third are mothers of children.

So I thank Senator KENNEDY for bringing this issue to our attention. I just find it unexplainable. How do you explain to people of this country we took all this time this year, we had this big tax break for the most wealthy in our country, yet we cannot even take a half a day, 2 hours to debate and pass an increase in the minimum wage?

President Bush has spent a lot of time talking about tax breaks, getting his tax break bill through—which helps mostly the most wealthy in this country, yet not one peep from this President in almost 3 years about increasing the minimum wage, not even one peep from this President on it.

So I am hopeful sometime before we break in August we can bring this up and pass it and get it to the President's desk. I know that is probably wishful thinking but hope springs eternal. I think that is what we ought to be doing here in the month of July.

One other thing: I said earlier we had the medical malpractice bill up. Really, what we ought to be talking about is the economic malpractice of this administration. That is what I call it—President Bush's economic malpractice. The victims of this malpractice are working Americans.

I just talked about the minimum wage and the need to increase that.

Look at the unemployment rate. It is now 6.4 percent, the highest level since April of 1994. That amounts to 9.4 million people looking for work who cannot find any. Under President Bush's leadership, we have lost 3.1 million private sector jobs.

This week the Senator from Washington, Mrs. MURRAY, offered an amendment to extend emergency unemployment assistance to the 1.1 million long-term unemployed. These are people who have been laid off since the recession began—early last year. They made futile searches for jobs that were not there, and then, unfortunately, we lost the job assistance amendment Senator MURRAY offered.

We are still losing jobs every month; 33,000 last month.

The economy is limping along. Now we are going to have a \$400 billion deficit facing us this year.

I read in the paper this morning that we now have some estimates on what it is costing us in Iraq—\$4 billion a month; \$4 billion a month. I have to tell you, if history shows us anything, those figures are lowballed. If this administration—I say it about any administration—comes up with figures this, you know they are lowballing it. I bet you when the facts are in and when all the costs are in, by the end of the year when we look back at the cost of our being in Iraq, it will approach \$5 billion a month. That is somewhere between \$50 billion and \$60 billion this year. That is not counting Afghanistan. Afghanistan is costing us somewhere over \$1 billion a month.

Again, I think that is lowballing it. I think it is probably a lot more than this.

When you take Afghanistan and Iraq and put them together, you are talking about somewhere in the neighborhood of between \$60 billion and \$75 billion this year on top of a \$400 billion deficit.

What is the administration's response? Don't increase the minimum wage, pass record tax cuts for the wealthiest, and then they push through a sham Medicare prescription drug bill that is going to force seniors to pay more out of their pockets before they can get their prescription drugs.

Right now there is a rule being written and proposed by this administration that will take money out of the pockets of hard-working Americans. This has to do with the issue of overtime pay.

This spring, the Labor Department proposed a regulation that would exempt perhaps up to 8 million workers from overtime pay. Overtime pay means up to 25 percent of a worker's annual income. Who are we talking about? We are talking about nurses, police officers, firefighters, emergency medical technicians, retail managers, journalists, medical therapists, paralegals, managers of fast food restaurants, among others who will now be put in a different category. Just by a new regulation they are going to be put into a new category so they will not be paid overtime pay.

Last week, 43 Senators sent a letter to the Secretary of Labor asking that the administration back off of this proposal. What does this proposal do? It expands the overtime exemptions by making it easier for employers to reclassify hourly workers and make them salaried workers, and then dramatically lowering the bar on which salaried workers are exempt from overtime pay protection. The result is millions of Americans earning—get this—more than \$22,100 year—we are not talking about people making \$100,000 \$200,000 a year. We are talking about people making \$22,100 a year and currently eligible for overtime who will be denied overtime pay under the proposed changes. What it means is the end of the 40-hour workweek. It means workers will spend more time away from their families because they will be forced to work longer hours.

But guess what. They won't be compensated for it. At least now, if someone is spending over 40 hours a week working and they are away from their family, they get time and a half overtime and compensated, which may help make up for a little bit of time they spend away from their families. Now they will be working more than 40 hours away from their families, and they will not be compensated for that.

It is not only bad economic policy, it won't create one new job. But it will also harm families by keeping the breadwinner away from their family for longer periods of time without giving them adequate compensation.

According to the U.S. Department of Labor estimates, the proposed rule changes would mean between 2.1 million and 3.3 million workers would face unpredictable work schedules because of an increased demand for extra hours for which the employers would not have to pay time and half. It just makes sense.

If you are an employer and the people working for you work over 40 hours, they are paid time and a half. You have to think about this. Does that justify keeping them on at time and a half? However, if by a little stroke of the pen you can reclassify them from hourly wage earners to salaried wage earners, you can get them to work 45 hours a week and not have to pay them one red cent more.

Again, with one stroke of a pen, I can get them to do more work and not have to pay them one additional penny.

Why wouldn't you do that? Of course, you would do that.

This regulation will open the floodgates for employers to help their bottom line by getting more work out of employees without paying them any more money. That is why we passed the 40-hour workweek. We are actually turning the clock back.

Senator KENNEDY pointed out this morning that we passed the minimum wage bill in 1938. By exempting these people from overtime pay we are turning the clock back even pre-1938 in terms of working conditions.

According to the GAO study, employees exempt from overtime pay—understand this—are twice as likely to work overtime as those covered by overtime pay. That is a GAO study. There you go. It makes sense. You are covered by overtime, and maybe you won't get that overtime. But if you are not covered by overtime, why not work a few hours extra every week because you are not being paid for your labor?

Yesterday, in the House of Representatives there was an amendment by Congressman OBEY of Wisconsin that would block the administration's proposal to deny millions of Americans overtime pay. Sadly, that lost by three votes. I was watching the vote last night. I noticed that they held the vote open. Actually, the proposal by Congressman OBEY won. The vote was held open, and I saw some switches being made. Finally, they got three people either to switch or something. So the vote, if I am not mistaken, was 213 to 210.

The proposal to block the administration from making these changes failed by three votes in the House.

I think one of the reasons it lost was there was a lot of misinformation about what the amendment would do. I have an amendment that is almost a mirror image of what Congressman OBEY offered in the House. I will be offering it at the first opportunity we have to do so on the Senate floor.

Basically, my amendment would prohibit the administration from exempting more workers from overtime pay who are currently eligible under the law. That is it. It is very simple and very straightforward. I look forward to offering this amendment to protect the 40-hour workweek, and to protect hard-working Americans who sometimes are caught between whether they want to spend more time with their family or maybe work overtime. At least if they work overtime they get compensated for it. This amendment would protect them and their families.

The administration's proposal will not, as I said, create one additional job. It will not do anything to put money back into the pockets of working Americans.

Couple that with their intransigence on raising the minimum wage, and what you have is what I call "President Bush's economic malpractice"—economic malpractice on hard-working Americans.

We need a real job growth plan in this country. We need to increase the minimum wage. We need to provide a real Medicare prescription drug benefit. We need to provide real incentives for businesses to create new jobs—not these kinds of incentives that will not create additional jobs but will allow employers to work employees longer than the 40-hour workweek without giving them just compensation. It is bad policy. It is economic malpractice.

I look forward to offering this amendment at the earliest possible time so the Senate can speak on this

issue, and hopefully we will have enough votes in the Senate so the administration will back off this ill-timed and ill-advised proposal.

I would like to know who really came up with this idea that somehow we are just going to, with the stroke of a pen, exempt people from overtime pay who are now getting it; we are just going to reclassify them. Well, I would like to know who that misguided "genius" was behind that decision. And whoever it is ought to have no place in this Labor Department or in this administration or anywhere in government.

So I hope we can take this amendment up as soon as possible, and I hope the Senate will approve it.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

#### INACCURATE INTELLIGENCE INFORMATION

Mr. DURBIN. Mr. President, there has been a great deal of debate in Washington, DC, about the circumstances leading up to the invasion of Iraq earlier this year. No one has come to the defense of Saddam Hussein, nor should they. He was a tyrant who oppressed his people. The fact that he is out of power is in the best interest of not only the people in Iraq but in the Middle East and the world.

But leading up to our invasion of Iraq were a series of statements and events from the administration justifying our role and our leadership. They were hotly debated on the floor of the Senate last October, leading to a vote on the use of force resolution—a vote which 23 of us opposed, believing that if we were going to be engaged in Iraq, it should be on an international basis, using the United Nations and other countries to join us in a coalition that would not only lead to a successful military invasion but also to a successful peace afterward, stability in Iraq for years to come.

The prevailing view, the majority view in the House and the Senate, was otherwise, giving the President the authority to go forward with this military invasion of Iraq. And so, for the months that followed between October and the ultimate invasion, the administration came forward with additional evidence, additional statements, and additional rationalization for our role and our leadership.

One of the key moments in the development of this case against Iraq and support by the American people was President Bush's State of the Union Address. It is a historic gathering each year, where a joint session of Congress comes together in the House Chamber, joined by the President's Cabinet, the Supreme Court, the diplomatic corps, and scores of people in the balconies, as the President comes and speaks from his heart to the American people. It is probably the most closely watched and covered Presidential speech of any

year, and should be, because the President really tries to outline where America is and where it is going.

So we listened carefully to each word. And many times during the course of that speech, President Bush made his case for the United States invasion of Iraq. One of the statements he made during the course of that speech has taken on quite a bit of controversy. It was a statement that the President made, attributing to British intelligence sources, which suggested that from the African country of Niger there was a sale or shipment of uranium which could be used for nuclear weapons in Iraq. President Bush said those words in his State of the Union Address. And, of course, this was growing evidence of our concern about the increased militarization of Saddam Hussein and his threat not only to his people and the region but to other nations as well.

This was one of many elements in the President's case against Iraq, but it was an important one because there was the belief that if Saddam Hussein had moved beyond chemical and biological weapons and now could threaten the world with nuclear weapons, he had to be viewed in a different context, as a much more dangerous leader than ever before. So people listened carefully to President Bush's statement.

But then, after that State of the Union Address—within a matter of days—questions were being raised as to the truthfulness of the President's statement, whether or not it was accurate to say that uranium or any type of nuclear fissile material had been sent from an African nation to Iraq. The debate ensued for many months, even as the invasion started.

Last night, CBS issued a special report based on statements coming out of the Central Intelligence Agency. Those statements are very troubling. Those statements indicate that America's intelligence agencies came to the White House before the State of the Union Address and told the National Security Council there was no credible evidence linking Niger or any African nation with providing nuclear fissile materials to Iraq, and despite that statement from the CIA to the National Security Council, and to the White House, decisions were made in the White House for the President to go forward with his speech saying exactly the opposite, carefully wording it so that it attributed that information to British intelligence sources, carefully making certain that the President did not allude to the fact that American intelligence sources thought that was not a credible statement.

So where do we stand today? The President said earlier this week that he apologizes, that that was an unsubstantiated remark and it was not accurate. And now, with this release of information from our intelligence agencies, reporters, who are traveling with the President and his group in Africa, are asking the leaders of the White House

who made this decision, who decided to go forward with the statement in the President's State of the Union Address which was not accurate, which was misleading.

Condoleezza Rice, the President's National Security Adviser, insists that George Tenet of the CIA approved this information that was included in the President's speech. George Tenet, in a press report, said he did not, he was not involved in making that statement to the White House. Two of the highest officials in the Bush administration are at odds as to who was responsible for that information. That question has to be asked and answered, and it has to be done so immediately.

I can think of nothing worse than someone at the highest level of leadership in the White House deliberately misleading the President or deliberately misleading the American people about something as essential as whether or not nuclear materials were being sent into Iraq before our invasion.

What was at stake, of course, was not just another foreign policy debate. What was at stake was an invasion of military force, largely led by the United States, putting American lives on the line.

The case was being made in that State of the Union Address for the American people to rally behind the President, rally behind the troops, and invade Iraq. And now we know that one of the elements—one of the central elements—in that argument was, at best, misleading—that in fact we knew better. We knew, based on our own investigation, based on a visit by former Ambassador Joe Wilson, based on the evidence of forged documents, that uranium and other fissile materials were not in fact transported from Niger to Iraq. Despite that, in the State of the Union Address, exactly the opposite was said.

Yesterday, on the State Department authorization, I offered an amendment, a bipartisan amendment, joined in by several of my Democratic colleagues and many of my Republican colleagues, calling on the inspectors general in the Department of State and the CIA to get to the bottom of this, and do it immediately. I believe the American people deserve an answer. We need to know what White House official decided to distort the intelligence information and give the President a statement which was in fact misleading.

I want to make it clear that there is no evidence whatsoever that the President knew this information was inaccurate. I do not make that accusation, nor will I. But someone knew. Someone in the White House knew the National Security Council had been briefed and told that this information was not accurate, and yet it was still included in the State of the Union Address. It really calls into question the leadership of the White House and our intelligence agencies. And I can tell you, now, more than ever, we need to have the best intelligence sources in the world.

You cannot successfully wage a war on terrorism without the very best military intelligence, without the best information about those threatening the United States. It has to be credible evidence. The people in the intelligence agency have to have a sound working relationship with the White House and the Congress. What we saw in the State of the Union Address was a breakdown of that relationship. That does not make America safer. It makes us more vulnerable.

Secondly, this is a Nation now pledged to a policy of preemption. We are prepared, according to this President, to invade a nation that may threaten us, even if they do not apparently pose any imminent danger to us at the time. How do you reach the conclusion that a nation threatens us? Clearly from intelligence information. Clearly, the intelligence coming out of the CIA, the Defense Intelligence Agency, the National Security Agency, and others has to be delivered to the National Security Council and to the President in a credible fashion. Yet we have clear evidence that the chain of communication which we count on for the security of our Nation broke down when it came to the President's State of the Union Address.

The credibility of our President is on the line. I believe he should move forward as quickly as possible to call for a full investigation. We should be able to point to those people responsible for putting this misleading language in the State of the Union Address. They should be held accountable, and they should be dismissed. That is inexcusable conduct by someone at that level of government to mislead the President or allow him to mislead the American people.

It is interesting to me that this issue is gaining ground and velocity as the President travels overseas. I certainly wish that were not the case. It would be better for him to be home because he has an important mission in Africa and a message that now will not be as clear because of this surrounding controversy. It is incumbent on us in Congress in our oversight role, and it is incumbent on the press corps in America to stand up to their responsibility to ask the hard questions and, in asking those questions, find out who should be held accountable for this misleading statement in the President's State of the Union Address. We owe it to the American people to give them the answers, to tell them that in the war on terrorism our intelligence sources are credible, that they have a good linkage and dialog with the White House and that the linkage will make America a safer place.

Someone made a decision to twist and distort this information for reasons which have yet to be disclosed. As we led to the buildup to the invasion of Iraq, that was one of the things the American people believed because they heard it from their President. The President in the State of the Union Ad-

dress speaks from the heart to the American people. He should be believed. In that situation, he needs to have the very best advisers and staff near him giving him accurate information. We now know that the President has been embarrassed by information which he said and has now had to say to the American people was not true. That has to change. People have to be held accountable. That should be done immediately.

If Congress cannot force this investigation, the President, as our leader, as the person responsible for the executive branch, should initiate this investigation on his own, find those responsible, hold them accountable, and dismiss them from the Federal Government.

I yield the floor.

The PRESIDING OFFICER (Mr. SMITH). The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I ask unanimous consent to speak for up to 40 minutes.

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

Ms. LANDRIEU. Mr. President, I come to the Chamber to speak about a very important subject, one we will be debating more vigorously next week when we return. Hopefully, we will be back on the subject of energy independence and energy policy for the Nation. The Chair and I serve on a subcommittee with responsibility in that regard, and we both work closely with Senator DOMENICI and Senator BINGAMAN on fashioning energy policy. We will soon be back on that. I wanted to make a couple of comments regarding several important aspects of the energy legislation.

Before I do, I would be remiss if I did not associate myself with the remarks of the Senator from Illinois. He raises a very important point, a critical point, one that deserves the full attention of the Congress and the administration.

As most Americans are well aware, we are going to be conducting war in a very different way than we have conducted it in the past. The visions we all have growing up, and some of us even from personal experience in fighting in World War I or World War II or Vietnam of Korea, are going to be very different than what we face in the future. Wars are not necessarily going to be fought nation against nation, army against army, air force against air force, but they are going to be fought by our military and our homeland security apparatus and our intelligence, along with multinational intelligence against terrorist cells, some of which are not state-supported. Some cells are very difficult to find, as we know from experience because we have yet to find the leaders of two of the worst terrorist organizations in the world.

Intelligence has always been so essential to war, having the generals on the battlefield know more about the enemy than the enemy knows about us. Intelligence has been critical in win-

ning in times past, and there is no substitute. No amount of manpower or womanpower, no sophistication of weapons systems, no strategic battle plans can take the place now in the wars we are going to face, because it is a war against terror, than complete excellence through and through at every level in our intelligence apparatus.

It does not have to be only American intelligence. We have to have an international intelligence network with our allies that is the most superior ever in the world if we are going to protect the American people and act in their best interest, to use our resources wisely and to win the war against terror.

This is not something in which I like to engage, not only as a Senator but as a mother. I am not engaging in a war on terrorism so this is going to be a permanent situation. I engage in the war against terror to provide for a world where my children, who are now 11 and 6, don't have to engage. We want to win the war and win it in 5 or 10 or 15 years. It is incomprehensible to the American people that we would be engaged in such a war over the next 50 or 60 years. We want to win. We want to show the world a better way. To do that, we have to have the very best intelligence we can. The Senator from Illinois raises a very important point. While there might not have been purposeful manipulation, while no one here wants to accuse the President in any way, there are clearly some problems right now, based on the information we are receiving about who knew what and what reports were adhered to, what were pushed to the side, what information was provided and what was not.

For the overall credibility of our intelligence, the credibility of our military, the credibility of our Government, this information must be investigated more fully. The truth must come to light. The appropriate actions must be taken so we can move on to improve the current situation, which is extremely difficult.

I associate myself with the comments of the Senator from Illinois regarding our intelligence personnel.

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#### ENERGY

Ms. LANDRIEU. Mr. President, I commend the majority leader from Tennessee who told us in no uncertain terms this week that the Senate will not be going to an August break until we have an energy policy adopted by the Senate. I thank him for his leadership, thank him for his vision, and thank him for basically drawing the line so that we in the Senate can get focused on bringing this important piece of legislation to a close, tying up some loose ends. There are some three or four major amendments that still need to be debated and discussed on the Energy bill, but we are close to the end under Senator DOMENICI's leadership, with Senator BINGAMAN. I have been proud to be a part of that effort. I look

forward to closing out the debate in the Senate with a very fine bill, a bill that is balanced, that encourages more production, encourages more conservation, and sets a framework for an energy policy for this Nation that we can be proud of, and equally important, if not more important, that can grow jobs, that can get the job growth trend moving back in the right direction. Not that this could do it all by itself, but having a strong, clear energy policy for this Nation could be a big boost in terms of getting jobs recreated in America and giving business the certainty they need so they can make good and wise decisions for their shareholders and stockholders and begin to increase the vibrancy of this economy.

I rise to talk about a very compelling presentation made by Chairman Greenspan yesterday on this subject. He shared a couple of his thoughts, and I thought it would be a good idea for me to try and express some of what he said in a way by adding my own thoughts and comments, because I think what he said and what he showed was quite compelling.

The energy situation is a hard subject for a lot of us to grasp. We cannot exactly see electricity. It is not like it is on every street corner. We know about schools and we can deal with health care, because there are hospitals and there are schools and we all have personal experiences. The energy issue is a lot harder for us even to grasp as policymakers and for our constituents to grasp because we cannot see big pieces of it. So it is a policy that takes extra time and focus, which Senator DOMENICI and Senator BINGAMAN have given.

I thought this chart would be helpful. This was a chart that was shown in the energy hearing yesterday with Chairman Greenspan, and I think more than any other chart it shows one of the major dilemmas facing the Nation right now in terms of energy policy.

We can see clearly that up until about 1996, we were generating capacity for electricity by fuel type in a variety of different ways: Petroleum in the dark purple color; hydrogen in blue; nuclear in green; gas in a fuschia color; and coal in black. We can see with one glance that it was a pretty interesting and balanced mix of what we were using to produce electricity in this country.

Then all of a sudden something pretty extraordinary happened, and one does not need a Ph.D. or an MBA or even be on the Energy Committee to understand this chart, and that is that in 1996 the world changed. All of the capacity, or virtually all of it, started to be built in anticipation of using natural gas. People say to me, Senator, why did this happen? Did the Congress mandate that everyone do this in the country? Was there major legislation?

The answer is, there was not one thing. It was not a Presidential Executive Order. We do not order our industries in that way. It was not one con-

gressional act. It was a confluence of things that had to do with a couple of big policy decisions the Congress made.

One policy was we must begin to clean up our air. Our air is too dirty. We need to clean it up. We have all of these coal-fired plants that, prior to clean coal technologies, were polluting our air. Our children were getting asthma. People were complaining, rightfully so, about some of the air pollution issues.

So Congress acted, and with the Clean Air Act of 1990, and then in 1996 when some rules and regulations came out, the industry said, let's move to a fuel source, natural gas, that meets these clean air standards, that helps to reduce air pollution. They began building, in anticipation of this regulatory mode and public demand for cleaner air, natural gas.

Although we do not produce a lot of coal in Louisiana, I am mindful of States such as West Virginia and Pennsylvania that do. Meanwhile, work has gone on in research to clean up the coal and we will anticipate in the future having coal become more of a mix, but it will be cleaner, it will be better, and it will be far less polluting than what was happening back in 1965, 1970, 1975, and 1980.

Great thanks goes to Senator DOMENICI, who almost singlehandedly can claim credit—he is too modest, but I can most certainly say he can almost singlehandedly claim credit for the revitalization of the nuclear industry. While it has its critics and while there are people who still do not believe in nuclear power, it is becoming clear, based on science and fact, not myth and fear, that as we begin to deal with the waste issue of nuclear power, just like gas, nuclear power produces energy in a way that does not pollute our environment and helps us to keep the air as clean as possible in the United States and, for that matter, in North America and the world, to clean up our Nation's air.

When our bill passes, nuclear will become a part of this mix. So we hopefully will see a little more black, a little more green, and petroleum will probably remain steady. We can see it is a very minor portion of our electricity.

We use petroleum to drive our cars and buses. It is used more in the transportation sector. But when we are talking about electricity, which underlies all of our economy, our manufacturing, our agriculture, everything, it is basically produced by natural gas.

What is the problem, then? The problem is that the prices of natural gas have tripled in the last 18 months. Whether one is in Oregon, California, or a State such as Louisiana, New York, Illinois, or New Jersey, believe me, our businesses are suffering. They are closing, consolidating, and laying off workers. Any businesses that rely in large measure on natural gas to produce their products, whether it is petrochemical or fertilizer or ammo-

nia, are feeling the brunt of prices doubling and tripling.

Why are prices doubling and tripling? Because the capacity has been built up, but there is not an adequate supply. At the same time, we have had policies promoting the use of natural gas at the very same time, in the very same Congress, we have then implemented policies that discourage the production of natural gas because we put moratoria down around the country. We cannot drill even though we know there is a lot of gas. Billions and trillions of cubic feet of natural gas on the Outer Continental Shelf, in the interior, in Alaska, are off limits from drilling. We are not encouraging as aggressively as we should the importation of liquefied natural gas, again based on myth and misinformation about the dangers or benefits of such a transfer, which brings me to what Alan Greenspan said.

Alan Greenspan said he is not an energy expert, but he knows something about jobs, he knows something about the economy, and he says we cannot sustain this imbalance. We cannot sustain the imbalance between the demand for natural gas and our lack of willingness to supply it because the supply and demand is so out of kilter that these high prices will damage the recovery of our economy and we need to increase the supply of natural gas.

He said two things. He said he would prefer to increase the supply of natural gas by domestic production.

But he realizes, based on all sorts of concerns—political and environmental—that in a short time that is unlikely. So the chairman, wisely—and I agree—said we should pursue a policy of importing liquefied natural gas production, but not just a plant, not to take the place of domestic production, but to complement it.

The people in Louisiana would think it is a reasonable policy. We first say let's open up areas of natural gas production. Louisiana already opened up much of its land, both offshore and onshore. We say over and over again we are happy to host the industry. We recognize we have made some environmental errors in the past. But today, these rigs are not your grandfather's oil rigs. They are run by computers. They are much more safe for the operators of the rigs—for their personal safety, as well as the safety of the environment.

In fact, there was a front-page article—and I will submit it for the RECORD—several weeks ago in New Orleans, where they claim—and I believe it because I have experienced this myself—some of the best fishing in the world is around the rigs in the Gulf of Mexico. Why? Because the rigs themselves create artificial reefs. You cannot have good fishing and the growth of marine life without good reefs. Coral begins to grow on and attach to these reefs as artificial reefs are created that are really increasing the health of the marine life in the gulf. A lot of people

don't want to believe that because they want to believe that everything associated with oil and gas is terrible and damaging, and actually the facts are the opposite.

So while Louisiana remains a promising place, and in Texas and Mississippi, and off the Continental Shelf, I must say there are many reserves in Florida and in other places in the Outer Continental Shelf that need to be pursued. Now, whether we decide to drill, that would have to be left up to the political establishment, the political framework. But we should have an inventory of where those reserves are. We should at least know what our reserves are, which is part of what is in the bill.

Chairman Greenspan agreed that we cannot sustain—if we want new jobs for the Nation, we cannot sustain this out of balance. How do we fix that?

Let me show another chart that is pretty startling. One of the ways is to ask every State and region to just pull their own weight. It is not a new concept in America. Our country was founded on a very simple principle: Those who work get to eat; those who produce should consume; those who are unwilling to work or do their part, unwilling to produce, and if they are able, should go without. All able-bodied men and women should pull their own weight. It is just a fundamental value and principle in America. Our country cannot operate on any other value. We do that pretty well in some areas, but we are not doing very well in the area of energy production.

You can see from this chart, which is colorful and easy to understand, that these States, starting with California and New York, and going all the way down to Louisiana and Wyoming—I should say all the way up in this case, as this is positive and this is more negative. These are the States that are consuming more than they are producing. This is the energy deficit in the Nation.

We talk a lot about deficits and budget deficits. We talk about health care deficits. But the energy deficit is very important to discuss and understand.

The United States imports more energy than we consume. Why is that? It is because some States and some regions are not producing nearly what they consume. We are relying on just a few States to be net exporters of energy. Those States are Utah, Colorado, North Dakota, Montana, Oklahoma, Kentucky, New Mexico, Alaska, West Virginia, Louisiana, and Wyoming. They are all net exporters of energy. We produce a lot of energy from a variety of different sources—maybe it is hydro, maybe it is coal, maybe it is oil and gas, or maybe it is nuclear. But we don't consume as much as we use, and then we send out our excess to other States.

You can see that Wyoming gets the prize. They are the top State for producing energy, consuming little and sending out 8,000 trillion Btu's in ex-

cess to be used by their neighbors and the rest of the Nation. One of the reasons is Wyoming is a relatively unpopulated State, with only about 450,000 people. They have a large landmass, and they are blessed with a lot of natural resources. They have a fairly pro-production mindset in Wyoming. So they produce all that they consume and then they help the rest of the States with their very difficult situations.

Louisiana, which is also a net producer, could also win first prize in the sense that not only do we have 4.5 million people, we produce enough for our own consumption, but we are also a highly industrialized State. Most of the petrochemicals, fertilizers, and many plastics are produced in Louisiana. Not only do we produce enough energy for our residents, but for the industry in our State, which sends their products into the country and the world. On top of that, we still send out electricity for everyone else. It is the same thing for West Virginia, which is more like Wyoming. They are not an industrial State, but they are blessed with a lot of natural resources. And there is also New Mexico, et cetera.

Let me talk about this part of the chart for a minute. They are big States. California is blessed with natural resources, and New York, Ohio, and Florida consume a tremendous amount of energy. Yet because of policies that their States have enacted, and maybe because of a lack of understanding about how much they actually are consuming, they basically refuse to produce any energy—or enough energy. Year after year, decade after decade, they consume and consume, and they refuse to produce. What happens, then, is because of that, the Nation has an energy deficit and we have to import oil or import liquefied natural gas from other places—sometimes places that are not friendly, sometimes places that are quite dangerous, sometimes countries that we would prefer not to be dealing with, except for the fact that they have the resources we need.

This has to change. Senators from these States would come to me and say: Senator, just because you want to drill for oil and gas in Louisiana doesn't mean we have to.

Well, they are right. If they don't want to do it, that is fine. But I say you have to produce it in some way. They can put up a nuclear powerplant, or two, or three, or four, or five, or dam some of their rivers to generate hydro power, or they can find some coal reserves and dig for some of their coal, or they can come up with alternatives, such as putting up windmills.

Interestingly enough, in one of the States—Massachusetts—which consumes more than it produces—there are some communities that are opposing the putting up of windmills offshore because people don't want to look at them. They don't like the way they look. They don't like the way oil rigs look or the way windmills look.

While they have a right to that opinion, I am not sure it is good policy for us just to completely eliminate sources of energy because some people might not like the way these structures look. They think "not in my backyard." But everybody wants to walk into a room and turn on the lights; everybody wants not one cell phone but several; everybody wants a laptop; they may want to own a business where they can use the energy sources and pay a little bit of money for that use, but they don't want to produce. It cannot sustain itself. We will either become more vulnerable to outside sources or we will drive businesses away from the United States and the North American Continent to other places where they can get an adequate supply of energy for cheaper prices. It will cost jobs in your State, in my State, or in New York or California.

When we lose jobs, we lose income from taxes. When we lose taxes for local government, the police force gets cut, the fire departments get cut, schools close. We have communities, perhaps in the State of the Presiding Officer, with 4-day school weeks. Who ever heard of such a thing? Four days of school? My children would like that, but I don't think for a nation trying to develop a skilled workforce we can afford to go to 3- and 4-day school weeks.

When we lose jobs, we lose income, the economy gets sluggish, we lose tax revenues, schools close, hospitals close, and it is a ferocious cycle.

Will fixing this fix everything? No. But fixing the energy deficit in this Nation will go a long way. It can be done if we come to grips with the facts.

Let me be clear because I don't want anyone saying the Senator's answer is for everyone to start drilling for oil and gas in their State. If some States or some regions do not want to drill for oil and gas, although they might have a lot of it, they need to think about what they will do. Will they dig for coal? Will they put up windmills? Will they construct nuclear powerplants? Will they use more hydro? Will they allow the damming of some rivers—not all rivers—to create the kind of energy they need?

What is not fair is to put these States in the position of having to produce all the energy for all the rest of the States and for these States to jeopardize the security of this Nation both from a national security aspect and an economic aspect because their policies will not be in line.

If any one of these States thinks they could enact within their States enough conservation to take up this slack, more power to them. If these States—whether it is Wisconsin, Pennsylvania, Georgia, or Florida—think, fine, we decided we do not want to produce anything, we do not like the idea of producing, we do not want to produce any energy, we will conserve, then fine. They can go to all their businesses and tell them you can only use electricity between the hours of 8 in

the morning and 12 noon and close your business and come back the next day. If they think they could politically get away with that, that is a solution they also have—or coming up with alternative sources.

I am not trying to be unreasonable; I think the American people understand it. I don't know about the policy-makers, but I promise people in Louisiana, people in Florida, people in California understand they have to produce energy if they are going to consume it. They can either produce more or conserve more. But to just put your head in the sand and say, A, we do not have a problem, or, B, we can get ourselves out of it by conservation only, that is the wrong way to lead.

Sometimes I am accused of wanting to bend or modify environmental laws or regulations. The reason I feel so strongly is I believe in clean air standards. I want to keep the air clean. If we can produce more natural gas, if we can produce more nuclear, if we can continue, as this bill proposes, to invest in clean coal technology, we could increase the supply of energy and clean up our environment. I want to move in that direction. I don't want to have to back up from those environmental standards we have set for ourselves. I hope we can do this.

We have an energy deficit. It is a national natural gas crisis. Chairman Greenspan has said he believes one of the solutions is to increase the supply of natural gas domestically and to try to create a framework in this bill to at least make it optional to import liquefied natural gas not only from other nations but Alaska, which is a rich source of natural gas. However, we must do something not only as a nation but as regions.

This chart shows the U.S. census regions and divisions. The Pacific West is represented, and then the Mountain States, the West North Central, the Texas and Louisiana region, and then the Northeast. This is not in the bill as drafted at this moment, but I will work on language that would begin to help these regions focus on energy independence.

I am not pulling this concept out of the sky because I met with some leaders from Canada. Much to my amazement, Canada has developed quite a different way than the United States. Each of our States has acted, of course, independently. We are the United States of 50 States acting independently. Canada has developed its electricity and energy system on a regional basis. They have six distinct regions and each region is self-sufficient. They each generate enough energy in their region—which makes a lot of sense—based on the natural resources in the region. One region has a lot of nuclear power because that is what their region decided. Another region produces a lot from hydro because they have the ability to do that. Other regions have gas.

And then they have the mix of supply. When, say, there is a drought in an

area with the hydro and they do not have enough water, the other regions are able to meet the demand of that region because they have nuclear or they have gas. Say the price of natural gas goes up. That region, then, says no, we will not buy your gas; it is too expensive. And they get inexpensive hydro or less expensive nuclear. That competition is good. It helps everybody keep the price low and stable, which is the point. Canada operates in a very model way.

We are far from that model. We need to get closer to that model and eventually get Mexico in that model. Then we will have quite a robust North American model.

What we have now are individual States, and we are trying to break our States down a little bit, recognizing State rights and trying to work with the States but encouraging them to break up into regions and think about regional independence so Florida and Georgia and South Carolina can no longer say, we just want to consume, we want to get all of our power from Louisiana, or we want to get all of our power from Mississippi. This region should think, how are we going to sustain our region and come up with regional plans.

It will not be simple. It will not happen overnight. But this is a view of what potentially could be done.

Another chart demonstrates RTO, regional transmission organizations, which is happening now. This is not something in the far distance. This is underway now through regulation and through congressional bills and amendments we are passing, encouraging the development of these regional transmission organizations for the purpose of transmitting electricity.

On the same concept, we should be producing regionally a balance, so that no State should be allowed to simply consume and not produce. No region should be allowed to simply consume and not produce.

Different people say to me: Senator, some States produce wheat; your State does not produce wheat. But some States produce all the wheat and ship it to you and not every State has to produce wheat. That would be a pretty good argument except that people do not object to having wheatfields in their backyards. People want to grow crops; they want agriculture to be there. So we manage, as a nation. I grow a lot of wonderful cotton and sugar and soybean. We ship it up to the Midwest. They produce wheat and ship it down to us. That system is working fine because there are no environmental efforts to undermine the growing of our crops. But there are misguided environmental efforts to undermine the production of energy and electricity in this country, forcing some States to basically say: Not in my backyard, not today, not tomorrow, not anything—not oil, not gas, not coal, not nuclear, not windmills, not anything. And, by the way, we are not

going to conserve very much. We conserve a little, but we still want to use all that we want, 24 hours a day.

It is not going to work. It never has worked in the history of the country, and it is not going to work today. So we have a problem. This bill we are going to adopt, thanks to the leadership of many on the Senate floor, will begin to solve some of these problems. For Louisiana and for the Gulf Coast States I think it will be quite a victory because we have done more than our share of production. We are happy to do it. We want to be more fully and equally compensated for that production. We want to share in the taxes that are generated from the production so we can invest in our infrastructure, in our environment, in saving our wetlands that are somewhat damaged by the drilling.

But it is not the primary culprit. The primary culprit in our case, which you cannot see here—Louisiana through the Mississippi River drains more than 40 percent of the continental United States. It also serves as a river for commerce for the whole Nation. Where we dam this river, the Mississippi River, and as we have tried to tame it, which is an ongoing process over the last 200 years, so this country could grow and expand, we now do not allow the river to overflow and to replenish the marsh. So we are losing a lot of this extraordinary wetland in the southern part of the State. It is not due primarily to oil and gas drilling. It is due to the commercialization and the leveeing and dredging of the greatest river system in the world.

So the country has an obligation to help us. We have a plan, and with good help, in this Energy bill we will begin to solve our wetlands problems, maintain good commercial navigation for the international trade that benefits not only our State but the whole Nation, and hopefully begin to get this country on a more commonsense approach to energy production and electricity use.

A national energy policy must address the regional challenges that confront our country. It must call for each region to use wisely the resources it can access in order to supply its particular demand for energy. For too long, individual States have prevented regions of our country from producing the energy needed, creating an energy deficit, all the while continuing to consume the majority of that region's energy. This bill must address the national gas crisis and the emerging energy crisis in America.

I need to make this one final point. It is the subject of a whole other speech, but I don't want to finish without saying this about another consequence of relying on outside sources of energy. California says we don't want to drill, not on our State, offshore, Outer Continental Shelf. Florida says we don't want to drill; we don't want to produce. Illinois and others say the same. What

happens is, because we refuse to regulate our consumption or reduce it substantially—because, frankly, we can reduce some through technology and through alternatives, but we just can't restrict consumption because we will restrict economic growth, which we do not want to do.

But what happens, then, is we begin importing from other countries, countries that have lower environmental standards than we do, countries that have less capacity to enforce the meager regulations they have on the books, countries that are more desperate for jobs. Although we want them, there are countries desperate for them. So, inadvertently, we end up increasing pollution, damaging the world environment because we refuse to adopt common-sense principles, which are to extract national resources and develop energy on our own soil, off our own continental shelf, and minimize the degradation internationally.

If anybody wants to come to the Senate floor and debate that with me, I will be more than happy to debate it because I am scrambling for information. Perhaps I have gotten information incorrectly.

I am very concerned because America consumes so much oil and so much gas. I know a lot of that production comes from the Mideast. But now we are asking it of Venezuela and now we are asking countries in Africa. They want to, of course, because if they ship oil to us, their countries make money. They put their people to work. I understand that. We produce a lot of oil and gas.

But I am also well aware, as a producer, of the environmental degradation that can occur if we do not have strong rules and regulations, strong court systems, and a mature political system that can monitor it.

I say to the leaders in our country, when we force production off of our shore, we damage the international environment. It is not right. If some environmental organizations want to challenge that comment, then please do it. I urge them to send mail to me or send e-mails to me and tell me why I am wrong; that we can easily and clearly and without damage drill in other places of the world.

I don't believe it because I know what we went through in the Louisiana Legislature over 20 years ago, led by a group of very great legislators, to try to bring good rules and regulations to the industry. Now the industry is doing much better. But 30 and 40 years ago, people were not too interested in environmental rules and regulations. So I know what can occur when the rules and regulations are not there.

I wonder how the people of California or Florida might feel about the fact that, because they refuse to produce, somebody is producing somewhere for them, in places that do not have rules and regulations like they do, in places they cannot be enforced.

What about the children who live in those areas? What about the families

who are struggling with meager incomes? What environmental legacies are we leaving in Third World countries around the globe?

For all the reasons—for independence, for national security, for jobs, for the economy, and for making this world a more beautiful place than we found it when we got here—I urge this Senate to take seriously the bill that is being put forward by both Senators from New Mexico, the chairman, and the ranking member, to pass an Energy bill before we leave for the August break. I will stand with them. The people of Louisiana support this bill.

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

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

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#### LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement 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 in San Jose, CA. On September 14, 2001, a young Muslim university student was forcibly elbowed out of line in a coffee shop. After pushing the young student, the man then told the clerk, "I'm an American, serve me first."

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.

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#### THE ASSAULT WEAPONS BAN

Mr. LEVIN. Mr. President, in 1994 I supported legislation which President Clinton signed into law a banning of the production of certain semiautomatic assault weapons and high-capacity ammunition magazines. The 1994 law banned a list of 19 specific weapons as well as a number of other weapons incorporating certain design characteristics such as pistol grips, folding stocks, bayonet mounts, and flash suppressors. The 1994 assault weapons ban prohibited the manufacture of semiautomatic weapons that incorporate at least two of these military features and accept a detachable magazine. Pre-existing military-style semiautomatic weapons were not banned. This law is

scheduled to sunset on September 13, 2004.

Earlier this year, Senator FEINSTEIN introduced the Assault Weapons Ban Reauthorization Act, which would reauthorize this important piece of gun safety legislation. I am a cosponsor of this bill because I believe it is critical that we keep these weapons off the streets and out of our communities. Senator FEINSTEIN's bill also includes a provision that would ban the importation of large capacity ammunition feeding devices. This provision passed the Senate 59 to 39, as an amendment to the 1999 Juvenile Justice bill, and passed the House by unanimous consent. However, the 106th Congress never passed the Juvenile Justice bill because it got stuck in conference, and thus the import ban never became law.

Studies have shown that the assault weapons ban legislation works. According to National Institute of Justice statistics reported by the Brady Campaign to Prevent Gun Violence, gun trace requests for assault weapons declined 20 percent in the first calendar year after the ban took effect, dropping from 4,077 in 1994 to 3,268 in 1995. This indicates that fewer of these weapons were making it onto the streets.

If the law is not reauthorized, the production of assault weapons can legally resume. Restarting production of these weapons will increase their number and availability and inevitably lead to a rise in gun crimes committed with assault weapons. The Congress should act this year to reauthorize the ban.

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#### PRESCRIPTION DRUG AND MEDICAL CARE IMPROVEMENT ACT OF 2003

Mrs. LINCOLN. Mr. President, I rise today to reflect on the recently passed Prescription Drug and Medicare Improvement Act of 2003, S.1. I am pleased to support this bipartisan effort both in the Senate Finance Committee and here on the floor. I believe this bill represents a positive compromise and a good start for America's senior citizens and individuals with disabilities who have relied on the Medicare Program for generations. I hope that the conferees act deliberately and fairly in the coming weeks to embrace what is good about this bill and to retain its bipartisan spirit. This process has been a long road for many of us who have worked on this issue for years but it has been an even longer road for America's seniors, who have watched drug prices escalate while Washington failed to act. Like all legislative products, this bill is not perfect. I have worked to improve this bill for Arkansas seniors in many ways, and I am committed to correcting any problems with it as it is implemented.

Despite its shortcomings, which I will detail later, S. 1 is much better for Arkansans than the plan President Bush proposed earlier this year. First and foremost, S. 1 gives all Medicare beneficiaries access to a prescription drug benefit. Under President Bush's

proposal, Arkansas seniors who wanted a drug benefit would have been forced to drop out of traditional Medicare and enroll in a private HMO instead, even though such a plan may not have been available in their area. Under the President's plan, seniors who remained in traditional Medicare would have received nominal discounts on prescriptions and a limited catastrophic benefit if they had extremely high drug expenses. I have said all along that it is simply unfair to deny a prescription drug benefit to beneficiaries in traditional Medicare. All 442,000 Medicare beneficiaries in Arkansas are currently enrolled in traditional Medicare with no access to Medicare + Choice because private insurance companies found the profit margin of health care insurance in rural areas to be too small. That is why Medicare needs to be there as a safety net. That is why prescription drug coverage must be a part of traditional Medicare. That is why the guarantee in S. 1 that traditional Medicare will pick up the slack where private insurers decline to operate needs to remain in the final version of this new policy.

Second, I helped ensure that S. 1 provides special assistance to our State's most vulnerable seniors—those with low incomes. Over 40 percent of Medicare beneficiaries in Arkansas have incomes below 160 percent of the Federal Poverty Level—in 2003, \$14,368 for a single and \$19,392 for a couple—and simply cannot afford to fill their prescriptions. These are the seniors who struggle to pay for food, heat, and other necessities in order to afford their lifesaving drugs, and I hear from them often. I fought in the Senate Finance Committee to ensure that seniors under 160 percent of poverty would get special assistance with their premiums, deductibles, and cost-sharing. Those with very low incomes who also qualify for an assets test would receive more generous help. I helped improve the low-income provisions even more on the Senate floor by working with Senators BINGAMAN and DOMENICI to increase the asset test levels from \$4,000 to \$10,000, adjust these levels yearly for inflation, and reduce the paperwork burden for eligible seniors. Because this amendment passed, many more seniors in Arkansas will receive help with the cost-sharing imposed under this bill. Today, lower income seniors only fill about 20 prescriptions per year, compared to an average of 32 for those with prescription drug insurance. These provisions will help ensure that lower-income beneficiaries will be able to afford to fill their prescriptions, keeping them healthier and helping them live longer.

I succeeded in including in S. 1 a number of other provisions that will improve the Medicare Program for Arkansas for many years to come. Two such provisions are based on legislation I introduced earlier this year, the Geriatric Care Act, S. 387. My first provision would provide for a 3-year dem-

onstration project in Arkansas and five other sites on complex, chronic care management. Once this demonstration project is completed, S. 1 allows the Secretary of Health and Human Services, HHS, to use its findings to add this service as a part of traditional Medicare from 2009 to 2013 as long as it costs no more than \$6 billion.

More than 80 percent of Medicare dollars are spent on Medicare beneficiaries with three or more chronic conditions like Alzheimer's disease, cancer, or diabetes. Better care management for these seniors should improve patients' overall quality of life and reduce the need for expensive hospitalizations for chronic conditions. It is my hope that this further, more extensive study of chronic care management provided by geriatricians and their health care teams will prove this. We in Arkansas are blessed to have the Donald W. Reynolds Department of Geriatrics and the Center on Aging at the University of Arkansas for Medical Sciences, whose geriatric specialists have vastly improved the care for seniors across our State. These provisions will make it easier for our medical school and others across the country to better care for patients with chronic conditions while also training more physicians in geriatrics. The other provision included in S. 1 provides the Secretary of HHS with the authority to clarify that geriatric training programs are eligible for 2 years of fellowship support under Medicare. This change would help maintain incentives for fellows to continue into second-year training, a critical pathway to careers in academics and geriatric research.

S. 1 also allows the Secretary of HHS to cover preventive benefits that aren't currently covered under traditional Medicare between the years 2009 to 2013. I have long fought to add new preventive services to Medicare, such as cholesterol screening, medical nutrition therapy services for beneficiaries with cardiovascular disease, counseling for cessation of tobacco use, and diabetes screening. These benefits are especially important for women, who are the majority of Medicare recipients and who make up 71 percent of the Medicare population over 85 years of age. By encouraging women to get screened for diseases like heart disease, osteoporosis, and breast cancer, we can save and improve lives.

I also succeeded in including my legislation, S. 1114, to provide Medicare coverage for kidney disease education services. Each year, some 80,000 people are diagnosed with chronic kidney failure—also known as end-stage renal disease (ESRD). Patients with ESRD require regular kidney dialysis treatments or a transplant to survive, and most are entitled to have this care paid for by the Medicare Program. Unfortunately, many of these renal patients are never informed that, prior to kidney failure, there are a number of steps they can take to improve their chances

of having better outcomes with dialysis. Medicare currently requires that ESRD patients receive education on treatment options—but not until after the patient is already under the care of a dialysis clinic. Unfortunately, by then it is essentially too late to take advantage of much of the information. My provision makes counseling available to patients before dialysis is initiated to help patients understand all the therapies available for the treatment of ESRD. My amendment will save money and improve patient care.

I also succeeded in including an important amendment to ensure Medicare coverage for insulin syringes. Before my amendment, S. 1 provided no coverage for insulin syringes although it did provide coverage for insulin. Roughly 40 percent of the senior population with diabetes, or 1.8 million seniors, use syringes to inject insulin into their bodies to control their diabetes every day. Without coverage, syringe purchases—which can be especially expensive for seniors on fixed incomes—would not count towards cost-sharing and yearly maximum out-of-pocket expenses. My amendment changed that. Now, the bill ensures coverage for syringes and other necessary medical supplies associated with administering insulin as determined by HHS. Providing coverage for insulin syringes will help diabetic seniors who take insulin keep their disease under control. Syringe coverage will help seniors manage or prevent long-term complications of diabetes like kidney failure, blindness, and amputations by helping to keep blood glucose levels in a normal range.

I was also able to include a 3-year, 5-site demonstration project to determine the merits of allowing Medicare beneficiaries direct access to physical therapists' services within the Medicare Program, as authorized by State law. Currently, some 37 States, including Arkansas, allow direct access to physical therapist services. While non-Medicare patients can directly access such services in these States, Medicare beneficiaries are restricted from such access by the requirement that they obtain a referral from another practitioner. Requiring a referral is unnecessary and limits access to timely and medically necessary physical therapist services. This demonstration, which is designed to be budget neutral, will determine if direct access does in fact improve patient care and save Medicare money.

I also worked with Senator CRAIG THOMAS to include a bill we sponsored together, S. 310, to provide Medicare coverage of licensed professional counselors and marriage and family therapist services. Although the rate of suicide among seniors is higher than for any other age group, fewer than 3 percent of seniors report seeing mental health professionals for treatment. Lack of access to mental health providers is one of the primary reasons why older Americans don't get the

mental health treatment they need. Not surprisingly, this problem is exacerbated in rural areas. Licensed professional counselors are often the only mental health specialists available in rural communities. This is true in Arkansas, where 91 percent of Arkansans reside in a mental health professional shortage area. This provision will significantly increase the number of Medicare-eligible mental health providers in Arkansas, providing better access for patients.

I was successful in working with Senator CANTWELL on an amendment that will restrict pharmacy benefit managers (PBMs), and require the Department of Justice and the Health and Human Services Inspector General to review PBM financial practices for any potential collusion between PBMs and drug manufacturers on drug pricing and availability. I also supported an amendment with Senator ENZI to ensure that pharmacists have the option of offering 90-day prescriptions when they are also offered by mail order.

I sponsored an amendment with Senator JOHN ENSIGN to repeal the \$1,590 cap on outpatient physical therapy, occupational therapy, and speech-language pathology. The current therapy cap discriminates against the most vulnerable of Medicare beneficiaries. While the majority of enrollees will not exceed an annual \$1,590 limitation on rehabilitation services, approximately 13 percent of seniors and individuals with disabilities covered by Medicare will be forced to pay for medically necessary services out of pocket. This is a particularly burdensome situation for beneficiaries living in rural communities. Most likely to be harmed are beneficiaries who have experienced a stroke or hip fracture or who have Parkinson's disease or other conditions that require extensive rehabilitation following injury or illness. Before Senator ENSIGN and I withdrew our amendment to repeal this cap, we discussed the amendment on the floor with the chairman of the Finance Committee, Senator GRASSLEY, who promised to work in the conference committee to enact a moratorium on the therapy cap.

I also succeeded in including a number of my amendments during debate of the bill in the Senate Finance Committee. The committee adopted my amendment to waive temporarily the late enrollment penalty for military retirees and their spouses who sign up for Medicare Part B and to permit year-round enrollment so that retirees can access the new benefits immediately. Currently, military retirees and their spouses who do not join Medicare Part B when initially eligible can only do so during the annual open enrollment season. This amendment was needed because many retired beneficiaries previously saw no value in enrolling in Medicare Part B because they believed they were promised lifetime health care in military treatment facilities, many of which were subse-

quently closed due to base realignment and closure.

The committee also adopted my amendment to establish an adult day services demonstration project for home health beneficiaries. A bill I introduced earlier this year, S. 1238, would give Medicare beneficiaries the option to receive their Medicare home health services in an adult day setting. This would be a substitution, not an expansion, of services and is designed to be budget neutral. The option of Medicare home health services in an adult day location has a number of important advantages for beneficiaries and their families, including: increased social interaction, therapeutic activities, nutrition, health monitoring, medication management, and enabling family caregivers to continue working, since care would be provided all day. More than 22 million families nationwide, or nearly one in four families, serve as caregivers for aging seniors, providing close to 80 percent of the care to individuals requiring long-term care. Nearly 75 percent of people providing care for aging family members are women who also maintain other responsibilities, such as working outside of the home and raising young children. The average loss of income to these caregivers has been shown to be over \$650,000 in wages, pension, and Social Security benefits. The loss of productivity in U.S. businesses ranges from \$11 to \$29 billion a year. The services offered in adult day care facilities provide continuity of care and an important sense of community for both the senior and the caregiver. This important demonstration project will benefit women of all ages.

The bill also includes my amendment to ensure that Medicare Quality Improvement Organizations (QIOs), can assist providers, practitioners, benefit administrators and plans to improve the quality of care under the new Medicare drug benefit system. This will be consistent with the role that QIOs already play in ensuring quality health care.

These initiatives, among others, will dramatically improve the Medicare Program. I am also pleased that S. 1 includes a number of provisions that I have cosponsored over several years that will significantly help rural health care providers in Arkansas keep their doors open to Medicare beneficiaries. By correcting a disparity in the way the Medicare physician fee schedule values physician work, practice expenses, and professional liability insurance, Medicare will pay rural physicians more fairly for treating Medicare patients. Also, the bill contains several provisions contained in my bill with Senators CONRAD and THOMAS, S. 816, to correct the disparities in Medicare payments to rural hospitals. Rural physicians and hospitals in Arkansas will receive millions of dollars of extra Medicare reimbursements under this bill.

And now that I have discussed some of the positive aspects of this bill, I

would like to focus on some of my concerns regarding other provisions.

I am concerned that private, drug-only plans may not provide the stability or predictability that seniors want and need. The insurance companies have told me they don't want to offer a prescription drug-only plan. The administrator of the Centers for Medicare and Medicaid Services has said such a plan "doesn't exist in nature." And, quite frankly, I believe we have proven through the Medicare, Medicaid, and Veteran's program that the Government can do it in a more cost-effective manner.

That is why I am glad the bill contains a Medicare guaranteed drug plan—or safety net—called the fallback. However, the fallback is that it is available for seniors for only 1 year at a time. That means if private insurers decide to test whether they want to offer the benefit in a community, seniors lose access to the fallback plan, even if the new plan is significantly more expensive for them or more restrictive. I offered an amendment to S. 1 that would have provided more stability for seniors by giving the fallback a 2-year contract instead of one. This would prevent seniors from having to switch plans from year to year with no end in sight. Although my amendment failed on a narrow margin, I will continue to try to improve the stability of the drug benefit by enacting this small, but important change to the fallback before the benefit starts in 2006.

I am also concerned about the fact that drug plans will vary throughout the country, meaning that seniors in Arkansas may have different premiums, cost-sharing, and formularies than seniors in other States. And, even worse, these plans can change their premiums, cost-sharing, and formularies every other year. I voted for many amendments to make the prescription drug benefit less volatile for seniors. For example, to reduce the variance in premiums across the country, I supported an amendment to limit variations in the amount seniors have to pay in premiums to only 10 percent above the national average, no matter where they live. I felt that we should give seniors some assurance that their premiums will not vary or increase unreasonably. Currently, all Medicare beneficiaries pay a \$58.70 premium for physician services no matter where they live. Seniors should have this same stability in the drug benefit. I am concerned that under S.1, seniors in rural areas, who are often older and sicker, will pay higher premiums than seniors in urban areas. Unfortunately, this amendment to stabilize the premium was defeated. However, I succeeded in the Senate Finance Committee in passing an amendment with Senator SNOWE to encourage the Secretary of Health and Human Services to geographically adjust payments to plans to account for differences in drug utilization across service areas so that premiums wouldn't vary as much.

I voted for many other amendments to strengthen the drug benefit in this bill but they failed. I voted to make the drug benefit more attractive to seniors by closing the "coverage gap" that exists in S. 1. This gap may penalize sick seniors. Once a senior's total drug spending reaches \$4,500 for the year, the benefit shuts down until her total drug expenditures reach at least \$5,813, unless the senior qualifies for low-income protections. I voted to allow employer-sponsored retiree health plans contributions to count in this gap. I voted to eliminate the coverage gap altogether. I voted to prevent seniors from paying premiums when they are in the coverage gap. Unfortunately, all these amendments were defeated. I will seek to work with my colleagues to close this coverage gap before the benefit starts.

I also voted for amendments to contain the skyrocketing costs of prescription drugs. One measure that I supported, which passed, seeks to increase access to more affordable and equally effective generic drugs. I also voted for an amendment, which failed, to help consumers better compare the cost-effectiveness of prescription drugs. Finally, I voted for a successful amendment to allow wholesalers and pharmacists to import prescription drugs from Canada, which will provide substantial savings to consumers while ensuring their safety.

Another concern I have about S. 1 is its \$6 billion experiment that starts in 2009 to test whether private insurance plans are more efficient and less costly than Medicare. To me and many others, the evidence we have already speaks to the fact that Medicare is more efficient. The Congressional Budget Office, the General Accounting Office, and outside experts all agree that private, preferred provider organizations and managed care plans cannot achieve the efficiencies Medicare can due to their need to make profits. Given these findings, I wonder how much of the "savings" this demonstration project seeks to achieve will come from privatization and how much will come from shifting more costs to seniors and health care providers? More importantly, I wonder why we couldn't have used the \$6 billion to reduce drug costs to seniors by making the benefit better?

Medicare provides health care for a special population of Americans—millions of seniors, individuals with disabilities, and people with kidney failure—those who are uninsurable in the private market. Congress created Medicare in the first place because private insurance plans were failing to provide affordable health care coverage for this high-risk population. I wonder why we must turn back the clock and commit billions of taxpayer dollars to again test whether the private insurance market wants to insure this population.

In conclusion, much has been accomplished but more needs to be done. I

look forward to the deliberations of the conference committee and urge my colleagues to engage with me and others in the Senate who are eager to get a good bill signed into law. I hope my friends on the conference committee will retain the Senate low-income assistance provisions, for they are far superior to those in the House bill. This low-income assistance is of special importance to our nation's older women. Of the 19.5 million female Medicare beneficiaries over age 65, 12.4 percent or 2.4 million enrollees live on incomes that are below 100 percent of the Federal Poverty Level. Another 3.2 million, 16 percent, live on incomes between 100 percent and 150 percent of poverty. Of senior men, on the other hand, only 7 percent are below poverty and another 11 percent are between 100 percent and 150 percent of poverty. Medicare seniors are disproportionately women and disproportionately poor, and will be far better served by the Senate's low-income provisions.

Our parents and grandparents are depending on us, and we must not let them down once again. I hope that partisan politics do not stand in the way of a drug benefit that is available to all seniors under traditional Medicare.

#### STROM THURMOND: POLITICIAN AND PATRIOT

Mr. ALLARD. Mr. President, I rise to pay tribute to our colleague and a friend, Strom Thurmond. We were all deeply moved by the recent passing of this gracious gentleman, and I would like to take a few minutes to reflect on his rich life and to honor his memory.

Strom Thurmond had a long and distinguished career. Over recent weeks we have heard many descriptions of the achievements of this remarkable man. But Senator Thurmond was distinguished for much more than the length of his Senate service or the number of "firsts" he achieved during his life. Rather, Senator Thurmond is distinguished by his love for America. For although Strom Thurmond was perhaps best known as a politician, he was first and foremost a patriot. His military service, his time as a governor, and his tenure in the U.S. Senate were all fueled by his deep and abiding love for America.

Just as deep as his love for America was his love for South Carolina and its residents. Senator Thurmond and his staff were well known for their accessibility and outstanding constituent service. He believed in hard work and service, and never shied away from his convictions.

That same accessibility and attitude of service carried over to his interaction with fellow members as well. I was honored to serve with Senator Thurmond on the Armed Services Committee, and I still remember the helpful guidance he gave me as a new member on the committee. His passion for our military members and his concern for their well-being was evident, and I

hope that I can emulate that same care.

I also remember how generous Senator Thurmond was with his personal time. Obviously as a senior Member of the Senate and the Senate President pro tempore he had a number of responsibilities. However, he still made time to serve this member. Several years ago I was honored when he graciously agreed to speak at the Capitol Conference I hold for Colorado constituents each year. To this day I am deeply appreciative of the time that he spent making remarks, fielding questions, and taking photos with my constituents. Many of the participants later remarked on his wit and vitality, remarkable for any member, but especially for one of his years. Even in their short time with him they were able to see the courtesy and conviction that we witnessed each day.

I feel fortunate to have had the opportunity to get to know Strom Thurmond as the person behind the military hero and political legend. To see the small ways in which he expressed his interest in and appreciation for those around him, such as taking the Senate pages for ice cream. He also expressed personal concern about the health and well being of his staff and Members, which was perhaps necessitated in some part by the candy he was always handing out. I only hope that we can all learn from and retain some part of his charm, confidence, depth of conviction, and commitment.

Although Strom Thurmond may no longer be here with us physically, his legacy will live on. The United States Senate and America are better for his strength, service, and self-sacrifice.

Finally, I would like to take this opportunity to express my sincere condolences to Senator Thurmond's family and friends. He was a proud father, and recently, grandfather. His love for his family was well known, and our thoughts and prayers are with them. My wife Joan and I hope that they are able to find comfort and peace during these difficult days.

I am proud to have called Strom Thurmond my colleague and friend, and today I join the rest of America in honoring this great service and mourning his passing.

Mr. SESSIONS. Mr. President, I rise today as we remember the Honorable Senator from South Carolina, Strom Thurmond. The accomplishments of this man in his 100 years of life were truly amazing. All that he did for his State and our Nation make all Americans proud. He was a vigorous, positive person who unrelentingly worked for a better America.

Senator Thurmond was born on December 5, 1902 in Edgefield, SC. He received his undergraduate degree from then Clemson College, now Clemson University, in 1923. He studied law under his father, Judge William Thurmond and, in 1930, was admitted to the South Carolina Bar. For 8 years, from 1930 to 1938, he served as the Edgefield

Town and County attorney, and during that time, from 1933 to 1938, he served as South Carolina State Senator, representing Edgefield County.

A true patriot, Senator Thurmond joined the U.S. Army Reserve as a 2nd lieutenant in 1924. He landed in Normandy on D-Day with the 82nd Airborne Division during World War II. For his military service, he earned 18 decorations, medals, and awards, including the Legion of Merit with Oak Leaf Cluster, Bronze Star for Valor, and the Purple Heart, among others.

His political ambitions flourished when, in 1947, Senator Thurmond was elected Governor of South Carolina. In 1948, he decided to run for President of the United States as the States Rights Democratic candidate. He carried 4 States and received 39 electoral votes, the third largest independent electoral vote in U.S. history. However, the most memorable moment for Senator Thurmond came in 1954, when he was elected to the United States Senate as a write-in candidate! To be elected to any position as a write-in candidate, much less to the United States Senate, is a true testament to one's political prowess. He was the first person to ever be elected to a major office in the United States by this method.

Senator Thurmond served on many committees during his service to America in the Senate. The duty and patriotism he displayed is a fine indication of all that he devoted to our Nation's military. It is quite fitting that Senator Thurmond served on the Senate Armed Services Committee and used his role to help enhance our military in every way possible. He served as chairman of this committee from January of 1995 to January of 1999 and was bestowed the great honor of being named chairman emeritus in 1999. The time I spent with Senator Thurmond on this committee was a wonderful learning experience for me and the Senate Armed Services Committee will miss Senator Thurmond. His military service provided him with an excellent background to understand the intricacies of our military and, without question, helped in his decision making ability for the betterment of America.

Additionally, I had the pleasure of serving with Senator Thurmond on the Judiciary Committee, where he was a member from 1967 until his retirement. He served as chairman of this committee from 1981 to 1987 and served as chairman of the Judiciary Subcommittee on Constitution, Federalism, and Property Rights from January to June of 2001. With a background as a judge and lawyer, Senator Thurmond cherished his role on this committee and always sought to ensure fairness on many issues, including that of appointing qualified judges to our Federal benches. I particularly remember his strong support for me when I was an unsuccessful judicial nominee in 1986. Senator Thurmond was a supporter, friend, and advisor.

To list the numerous honors and awards Senator Thurmond received

would take hours. However, I would like to point out some of the accolades I find truly incredible. In addition to his undergraduate degree from Clemson College, he also holds 34 honorary degrees. In 1994, he was inducted into the U.S. Army Rangers Hall of Fame. In 1997, he was awarded the Department of Defense Medal for Distinguished Public Service. In 1998, he was awarded the Spirit of Hope award, named after Bob Hope, by the United Service Organizations. Last year, he was awarded the Washington Times Foundation American Century Award.

His life covered a time of monumental change in the South. His movement from a champion of racial segregation to one who promoted equal rights reflected the change that occurred throughout the region. His personal actions helped lead others to reject the impermissible policies of the past.

One of the great memories I have of spending time with Senator Thurmond is the time he asked me to accompany him on a trip to China in 1997, as I began my term as Senator. On this trip, we had some time to climb the Great Wall of China. As is custom, an assistant is typically assigned to older individuals as they make their journey along the wall. Senator Thurmond declined any help and, at the time, was the oldest person to ever climb the wall unassisted. The Senator's ability to put things in perspective is illustrated by the fact that when, upon reaching the top of the wall, stated "This is a big wall. Let's go."

As the leader of our delegation and President pro tempore of the Senate at age 97, he handled every occasion superbly. He was particularly elegant when we met with Chinese Premier Jiang Zemin. I remember he concluded his remarks with the words "China and the United States are friends. We want to be better friends."

It is almost impossible to travel anywhere in South Carolina and not find Senator Strom Thurmond's name on a street, building, lake, highway, or monument. All that he did for South Carolina and for our Nation is a true testament to the caliber of man that he was. The lives he touched and the people he has positively affected are numerous. I know that his service to our Nation is sorely missed. You simply cannot put a value on the role he played as a true public servant. Senator Thurmond will be missed by many, many individuals in Congress, in South Carolina, and in America. A true southerner, a true American, and a true patriot, Senator Strom Thurmond will forever be remembered as a man whose beliefs, ideals, and character remained unparalleled for an entire century.

#### FRANK BROWN

Mr. SPECTER. Mr. President, I rise today to bid farewell to a trusted member of my staff, Frank L. Brown. Frank

is my legislative counsel for judicial nominations, minority outreach, immigration, civil rights and Department of Justice appropriations. He joined my staff on December 15, 1998.

Frank became a part of my staff after receiving his B.A. from Johnson C. Smith University and his J.D. from the University of South Carolina Law School. During his time with me, I have seen him grow into one of my most trusted advisers. He is a bright, articulate, and loyal young man with quite the personality. He has represented my office and the citizens of the Commonwealth of Pennsylvania in a most professional and caring manner. Unfortunately, the time has come for him to pursue other career objectives.

Frank is about to become the Assistant Director/Government Relations Specialist of Boys and Girls Harbor Inc. located in Harlem, NY. This organization is a non-profit that provides various educational services for over 7,000 low-income African-American and Hispanic-American children. I am confident that Frank will be a positive role model for those young people he will work with in New York City. Even though I regret his departure, I know that he will continue to be a part of the Arlen Specter staff family for many years to come. I wish him nothing but success in his future endeavors.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO THE HONORABLE M. ADELA EADS

• Mr. DODD. Mr. President, I rise to pay tribute to a distinguished public servant and friend, M. Adela Eads, who passed away on July 8 at the age of 83.

For years, Dell Eads was an indispensable member of the Connecticut General Assembly. She served for 4 years in the State House of Representatives, and then for 20 years in the Senate, including 2 years as President Pro Tempore—the first woman ever to be elected to that office for a full term.

If a casual observer walked onto the Senate floor in Hartford while Dell Eads was there, he might have been surprised to learn that the diminutive lady in the smart-looking suit and high heels was one of the chamber's most influential members. But for those 20 years, Dell Eads was indeed an imposing figure in Connecticut. She served her constituents, and her State, with commitment, distinction, and honor.

Dell Eads' life was devoted to working for the public good. Nowhere was that more evident than in her commitment to Connecticut's children. Before becoming a legislator, she chaired the Kent Board of Education for 26 years. She later served on the Connecticut Board of Education as well.

Many of her landmark legislative achievements were also devoted to helping children. Dell Eads was a chief architect of legislation which created our State's Office of the Child Advocate. Today, thanks to her efforts,

there's an office in Connecticut's government where people fight for children who aren't able to fight for themselves.

She also was integral in the passage of the Education Enhancement Act, which raised the pay of Connecticut's public school teachers. Dell Eads recognized that if we want our best and brightest to commit themselves to teaching our children, we need to commit ourselves to paying them fairly.

Dell Eads always seemed to find the right balance of toughness and tact. In the political arena, where it's often hard to figure out exactly what people are saying, Dell Eads wasn't one to mince words. If she had something on her mind, you were going to hear it. But when she spoke, she did so with the courtesy, class, and congeniality that earned her the admiration and friendship of her colleagues.

Though a Republican, she was respected by both Democrats and Republicans alike. She was loyal to her party—yet Dell Eads would never hesitate to reach across the aisle if there was work to be done.

No one could question Dell Eads' commitment to the people of Connecticut. After all, this was a woman who, at the age of 76, slipped and broke her collarbone—and reported to work at the State Capitol the very next day. And she continued to serve in the State Senate until she retired three years ago at the age of 80.

Dell Eads was slight in stature, but she was great in spirit. Her service was an inspiration not only to her colleagues in the Connecticut General Assembly, but to all the people of Connecticut. Our state has truly lost a great citizen, and a remarkable person.

I offer my most heartfelt sympathies to Dell Eads' two sons, Manuel and Gregory Eads, to her brother Manuel Diaz, to her five grandsons, and her entire family.●

#### TRIBUTE TO BRYAN JONES

● Mr. COCHRAN. Mr. President, I wish to recognize Mr. Bryan Jones of Yazoo City, MS, for his distinguished service as president of Delta Council.

Delta Council is an area development organization representing the 18 Delta and part-Delta counties of Northwest Mississippi. Delta council was organized in 1935 to bring together the agricultural, business, and professional leadership of the region to confront the major problems facing the region at that time. Since then, the organization has expanded its role, under leaders like Bryan Jones, to include educational policy, water resource conservation, highway development, agricultural research, and flood control.

As president of Delta Council, Bryan Jones has served very effectively as a Delta leader during stressful economic times. He has used sound judgment and contributed to meaningful improvements in the quality of life in the region.

Bryan has led the Delta Council into new fields of endeavor such as health care and adult literacy. He has supported innovative land and water conservation programs. He has been a strong advocate for water resource developments that include improved environmental restoration. And, he has become well known throughout the region and among members of the Mississippi Congressional Delegation as an effective spokesperson on behalf of the Delta's largest industry, agriculture.

After graduating from the University of Mississippi, Bryan Jones could have been placed in a senior executive position in almost any company located anywhere in the United States. However, because of his love for the Mississippi Delta, Bryan returned to the Delta region and his community to build a \$1 billion statewide banking system. In addition to serving as the Chief Executive Officer of the Delta Division of BankPlus, Bryan operates a cotton, soybean, corn, and wheat farm in Holmes and Humphreys Counties.

Bryan is a member of the Second Presbyterian Church in Yazoo City and he and his wife, Sara, have three children. He is an enthusiastic outdoorsman and a director of Delta Wildlife, which is a leading advocate for the enhancement of the Mississippi Delta's rich wildlife resources.

I am pleased to congratulate Bryan Jones for his contributions to the Mississippi Delta and the Nation, and I look forward to working with him and other Delta Council leaders in the future who share our goal of improving the quality of life for the people of this area.●

#### 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.)

#### MESSAGE FROM THE HOUSE

At 9:42 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2660. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

The message also announced that the House disagrees to the amendment of

the Senate to the bill (H.R. 1474) to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, and for any other purposes, and asks for a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints the following members as the managers of the conference on the part of the House:

For consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. OXLEY, Mr. BACHUS, Mr. LATOURETTE, Ms. HART, Mr. TIBERI, Mr. FRANK of Massachusetts, Mr. SANDERS, and Mr. FORD.

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2660. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3150. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Automatic Identification System; Vessel Carriage Requirement (USCG-2003-14757)" (RIN1625-AA67) received on June 26, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3151. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Outer Continental Shelf Facility Security" (RIN1625-AA68 2003-0001) received on June 26, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3152. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Area Maritime Security (USCG-2003-14733)" (RIN1625 2003-0001) received on June 26, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3153. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Facility Security (USCG-2003-14732)" (RIN1625-AA43) received on June 26, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3154. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations, Belton, TX" (MB doc. no. 02-271, RM-10441) received June 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3155. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Inseason Adjustment: Chiniak Gully Research Area Opening for the Groundfish Trawl Fisheries in the Gulf of Alaska" received on July 7, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3156. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Catch Limit Adjustment" (ID#061103B) received on July 7, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3157. A communication from the Program Analyst, Department of Transportation, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Prohibition Against Certain Flights Between the United States and Iraq; Removal [6/13-6-20]" (RIN2120-ZZ48) received on July 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3158. A communication from the Program Analyst, Department of Transportation, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Lower Deck Service Compartments on Transport Category Airplanes; docket no. FAA-2002-11346 [6-19/6-30]" (RIN2120-AH38) received on July 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3159. A communication from the Program Analyst, Department of Transportation, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Revision of Public Aircraft Definition Docket no. FAA-2003-15134 [5/13-6-30]" (RIN2120-ZZ48) received on July 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3160. A communication from the Program Analyst, Department of Transportation, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Extension of Compliance Times for Fuel Tank System Safety Assessments; Correction; Docket no. FAA-1999-6411 [6/25-6/30]" (RIN2120-AG62) received on July 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3161. A communication from the Program Analyst, Department of Transportation, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Relief for U.S. Military Civilian Personnel Who Are Assigned Outside the United States in Support of U.S. Armed Forces Operations; request for comments Docket no. FAA-2003-15431" (RIN2120-AH98) received on July 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3162. A communication from the Program Analyst, Department of Transportation, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Commercial Space Transportation; Licensing Regulations; Technical Amendment [6/13/6-30]" (RIN2120-ZZ50) received on July 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3163. A communication from the Attorney Advisor, Department of Transportation, National Highway Traffic Safety Administration, transmitting, pursuant to law, the report of a rule entitled "Child Restraint Systems TREAD Act Final Rule" (RIN2127-AI34) received on July 7, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3164. A communication from the Attorney Advisor, Department of Transportation, National Highway Traffic Safety Adminis-

tration, transmitting, pursuant to law, the report of a rule entitled "Tire Safety Information; Response in Part to Petitions for Reconsideration; Delay of Effective Date" (RIN2127-AI32) received on July 7, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3165. A communication from the Attorney Advisor, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Federal Motor Vehicle Safety Standards; Tires" (RIN2127-AI54) received on July 7, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3166. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation entitled "Appropriations for Fiscal Year 2004 for Certain Maritime Programs of the Department of Transportation, and for Other Purposes"; to the Committee on Commerce, Science, and Transportation.

EC-3167. A communication from the Program Analyst, Department of Transportation, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Denison, IA; Docket no. 03-ACE-15 [2/28-6-23]" (RIN2120-AA66) received on July 7, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3168. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Implementation of National Maritime Security Initiatives (USCG-2003-14792)" (RIN1625-AA69) received on June 26, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3169. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Vessel Security (USCG-2003-14749)" (RIN1625-AA46) received on June 26, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3170. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species (HMS) Fishing Vessel Permits; Charter Boat Operations; Temporary Rule" (RIN0648-AM91, ID#071299C) received on June 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3171. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule amending the NASA Grant and Cooperative Agreement Handbook to consolidate coverage regarding unsolicited proposals rewarded as grants or cooperative agreements (14 CFR Part 1260) received on July 7, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3172. A communication from the Acting Assistant Administrator, National Oceanic and Atmospheric Administration, National Ocean Service, transmitting, pursuant to law, the report of a rule entitled "Announcement of Funding Opportunity to Submit Proposals for the South Florida Ecosystem Research and Monitoring Program (SFP FY04)" (RIN0648-ZA79) received on July 7, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3173. A communication from the Attorney Advisor, Department of Transportation, transmitting, pursuant to law, the report of discontinuation of service in acting role in the position of Director for the Bureau of Transportation Statistics, Department of Transportation, received on July 7, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3174. A communication from the Attorney Advisor, Department of Transportation, National Highway Traffic Safety Administration, transmitting, pursuant to law, the report of a rule entitled "Tire Safety Information; Final Rule; correcting amendments" (RIN2127-AI32) received on July 7, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3175. A communication from the Chairman, Surface Transportation Board, Office of Proceedings, transmitting, pursuant to law, the report of a rule entitled "Railroad Consolidation Procedures—Exemption for Temporary Trackage Rights" (STB Ex Parte No. 282) received on July 7, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3176. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department of Transportation's Annual Report for fiscal year 2002; to the Committee on Commerce, Science, and Transportation.

EC-3177. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: (Including 7 regulations) [CGD01-03-023] [CGD01-03-050] [CGD01-03-069] [CGD09-03-230] [CGD09-03-228] [CGD09-03-229] [COTP Charleston 03-105]" (RIN1625-AA00) received on July 7, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3178. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: (Including 6 regulations) [COTP San Diego 03-23] [CDG01-09-053] [COTP San Diego 30-015] [COTP San Diego 03-022] [CGD09-03-223] [CGD09-03-226]" (RIN1625-AA00) received on July 7, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3179. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Mystic River, CT (CGD01-03-047)" (RIN1625-AA09) received on July 7, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3180. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; (Including 2 regulations) [CGD01-03-044] [CGD05-03-059]" (RIN1625-AA09) received on July 7, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3181. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Right to Appeal: Director, Great Lakes Pilotage (USG 2003-15137)" (RIN1625-AA71) received on July 7, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3182. A communication from the Program Analyst, Department of Transportation, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Cherokee, IA; Docket no. 03-ACE-9 [4-8/5-19]" (RIN2120-AA66) received on May 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3183. A communication from the Chief Counsel, Bureau of Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Call for Large Position Reports" received on July 8, 2003; to the Committee on Finance.

EC-3184. A communication from the Chairman, Medicare Payment Advisory Commission, transmitting, pursuant to law, the

Commission's June 2003 report entitled "Variation and Innovation in Medicare"; to the Committee on Finance.

EC-3185. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Accounting Method Changes Relating to the Inventory Price Index Computation Method" (Rev. Proc. 2003-45) received on July 7, 2003; to the Committee on Finance.

EC-3186. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Outbound Liquidations Into Foreign Corporations" (RIN1545-BA79) received on July 7, 2003; to the Committee on Finance.

EC-3187. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Notice: Deadline for Allocating Private Activity Bond State Ceiling Among Issuing Authorities Under 146(e)" (Notice 2003-41) received on July 7, 2003; to the Committee on Finance.

EC-3188. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Reporting by Federal Agencies of Payments for Services" (Rev. Rul. 2003-66) received on July 7, 2003; to the Committee on Finance.

EC-3189. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Section 6038—Returns With Respect to Controlled Foreign Partnerships" (RIN1545-BA77) received on July 7, 2003; to the Committee on Finance.

EC-3190. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Substantiation of Incidental Expenses" (RIN1545-BB20) received on July 7, 2003; to the Committee on Finance.

EC-3191. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Entry Age Normal Method" (Rev. Rul. 2003-83) received on July 7, 2003; to the Committee on Finance.

EC-3192. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Depreciation of General Assets Owned by a Utility" (Rev. Rul. 2003-81) received on July 7, 2003; to the Committee on Finance.

EC-3193. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Safe Harbor Methods for Valuation of Inventory Items" (Rev. Proc. 2003-51) received on July 7, 2003; to the Committee on Finance.

EC-3194. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Distributions of Interests in a Los Corporation From Qualified Trusts" (RIN1545-BB99; RIN1545-BC00) received on July 7, 2003; to the Committee on Finance.

EC-3195. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Revenue Procedure: Relief for Misfiled Carryforward Elections of Unused Private Activity Bond Volume Cap Under 146(f) of the Internal Revenue Code" (Rev. Proc. 2003-46) received on July 7, 2003; to the Committee on Finance.

EC-3196. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Deadline for Issuing Authority to Assign Private Activity Bond Volume Cap to Another Issuing Authority Under Sec-

tion 146" (Notice 2003-42) received on July 7, 2003; to the Committee on Finance.

EC-3197. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Revenue Ruling: Section 277—Membership Organizations" (Rev. Rul. 2003-73) received on July 7, 2003; to the Committee on Finance.

EC-3198. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Extraordinary Transaction Notice" (Notice 2003-46) received on July 7, 2003; to the Committee on Finance.

EC-3199. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Bonus Depreciation, Relief for Late Elections" (Rev. Proc. 2003-50) received on July 7, 2003; to the Committee on Finance.

EC-3200. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Extension of Time to Elect Mid-quarter Convention Relief" received on July 7, 2003; to the Committee on Finance.

EC-3201. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Business Purpose Under Section 355—Fit and Focus—Management Purpose" (Rev. Rul. 2003-74) received on July 7, 2003; to the Committee on Finance.

EC-3202. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Section 42(d)(4)(C) Community Service Facility" (Rev. Rul. 2003-77) received on July 7, 2003; to the Committee on Finance.

EC-3203. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Reverse Morris Trust" (Rev. Rul. 2003-79) received on July 7, 2003; to the Committee on Finance.

EC-3204. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Transfers of Compensatory Options" (TD9067) received on July 7, 2003; to the Committee on Finance.

EC-3205. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "BLS-LIFO Department Store Price Indexes for May 2003" (Rev. Rul. 2003-87) received on July 7, 2003; to the Committee on Finance.

EC-3206. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Depreciation of Vans and Light Trucks" (RIN1545-BB06) received on July 7, 2003; to the Committee on Finance.

EC-3207. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Coordinated Issue: Legally Mandated R&E Expenses" (list no. 861.08-17) received on July 7, 2003; to the Committee on Finance.

EC-3208. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update Notice" (Notice 2003-48) received on July 7, 2003; to the Committee on Finance.

EC-3209. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a nomination confirmed for the position of Commissioner of Internal Service, Internal Revenue Service, received on July 7, 2003; to the Committee on Finance.

EC-3210. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy and designation of acting officer for the position of Assistant Secretary for Economic Policy, Department of the Treasury, received on July 7, 2003; to the Committee on Finance.

EC-3211. A communication from the President of the United States, transmitting, pursuant to law, a report entitled "Changes to Existing Law Required to Bring the United States into Compliance with Obligations Under the United States-Chile Free Trade Agreement"; to the Committee on Finance.

EC-3212. A communication from the President of the United States, transmitting, pursuant to law, a report entitled "Changes to Existing Law Required to Bring the United States into Compliance with Obligations Under the United States-Singapore Free Trade Agreement"; to the Committee on Finance.

EC-3213. A communication from the Chief, Regulations and Procedures Division, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Amelioration of Fruit and Agricultural Wines; Technical Amendments" (RIN1512-AC63) received on July 7, 2003; to the Committee on Finance.

EC-3214. A communication from the Chief, Regulations and Procedures Division, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Seneca Lake Viticultural Area (99R-260P)" (RIN1512-AC70) received on July 7, 2003; to the Committee on Finance.

EC-3215. A communication from the Secretary, Health and Human Services, transmitting, pursuant to law, a report entitled "Child Welfare Outcomes 1999: Annual Report"; to the Committee on Finance.

EC-3216. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Payment Bonds on Cost-Reimbursement Contracts" (DFARS Case 2002-D030) received on June 26, 2003; to the Committee on Armed Services.

EC-3217. A communication from the Acting Under Secretary of Defense, transmitting, pursuant to law, a report entitled "Department of Defense Report on Combining Funding for and Delegation Authority With Respect to the Historically Black Colleges and Universities Program, Hispanic-Serving Institutions Program, and the American Indian Tribal Colleges Program, April 2003"; to the Committee on Armed Services.

EC-3218. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC-3219. A communication from an Administrator, National Nuclear Security Administration, Department of Energy, transmitting, pursuant to law, a report relative entitled "Report to Congress on the Utilization of the Industrial Partnerships Within the National Nuclear Security Administration, Fiscal Year 2002"; to the Committee on Armed Services.

EC-3220. A communication from the Chairman, Defense Nuclear Facilities Safety Board, transmitting, the Board's Twelfth Annual Report; to the Committee on Armed Services.

EC-3221. A communication from the Inspector General, Department of Defense, transmitting, pursuant to law, a report entitled "Defense Infrastructure: Status of Extended Pilot Program on Sales of Manufactured Articles and Services at Army Industrial Facilities (D-2003-103)"; to the Committee on Armed Services.

EC-3222. A communication from the Director, Defense Procurement and Acquisition

Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Reporting Requirements Update" (DFARS Case 2003-D002) received on July 7, 2003; to the Committee on Armed Services.

EC-3223. A communication from the Chief, Regulations and Procedures Division, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Deletion of Federal Prison Industries Clearance Exception" (DFARS Case 2003-D006) received on July 7, 2003; to the Committee on Finance.

EC-3224. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a vacancy and designation of acting officer in the position of Under Secretary of Defense (Acquisition, Technology, & Logistics) received on July 7, 2003; to the Committee on Armed Services.

EC-3225. A communication from the Under Secretary of Defense, transmitting, pursuant to law, a report relative to the progress made by the Department in achieving the objectives and goals of the Environmental Technology Program and an overall trend analysis in research and development activities; to the Committee on Armed Services.

EC-3226. A communication from the Acting Secretary of the Navy, transmitting, notification of the intended transfer of the aircraft carrier ex-MIDWAY (CV 41) to the San Diego Aircraft Carrier Museum; to the Committee on Armed Services.

EC-3227. A communication from the President of the United States, transmitting, pursuant to law, the report relative to progress made towards achieving benchmarks for a sustainable peace process in Bosnia and Herzegovina; to the Committee on Armed Services.

EC-3228. A communication from an Administrator, Agricultural Marketing Office, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Dried Prunes Produced in California; Changes in Reporting Requirements" (Doc. no. FV03-993-1 IFR) received on July 10, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3229. A communication from the Administrator, Agricultural Marketing Office, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tart Cherries Grown in the States of Michigan; et al.; Increased Assessment Rate" (doc. no. FV03-930-2 FR) received on July 10, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3230. A communication from the Administrator, Agricultural Marketing Office, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Irish Potatoes Grown in Colorado; Increase in Membership on the Area No. 2 Colorado Potato Administrative Committee" (doc. no. FV03-948-1 FR) received on July 10, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3231. A communication from the Administrator, Agricultural Marketing Office, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Changes in Fees for Federal Meat Grading and Certification Services" (doc. no. LS-02-06) received on July 10, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3232. A communication from the Director of the Fish and Wildlife Service, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Final Rule to Remove the Douglas County Population of Columbian White-tailed Deer From the Federal List of Endangered and Threatened Wildlife"

(RIN1018-AF43) received on July 9, 2003; to the Committee on Energy and Natural Resources.

EC-3233. A communication from the Director of Finance of the Capitol Historical Society, transmitting, the Society's audited financial statements for the year ended January 31, 2003; to the Committee on Rules and Administration.

### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 470. A bill to extend the authority for the construction of a memorial to Martin Luther King, Jr (Rept. No. 108-90).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with amendments:

S. 490. A bill to direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin Management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California (Rept. No. 108-91).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 499. A bill to authorize the American Battle Monuments Commission to establish in the State of Louisiana a memorial to honor the Buffalo Soldiers (Rept. No. 108-92).

S. 546. A bill to provide for the protection of paleontological resources on Federal lands, and for other purposes (Rept. No. 108-93).

S. 643. A bill to authorize the Secretary of the Interior, in cooperation with the University of New Mexico, to construct and occupy a portion of the Hibben Center for Archaeological Research at the University of New Mexico (Rept. No. 108-94).

S. 651. A bill to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, and for other purposes (Rept. No. 108-95).

S. 677. A bill to revise the boundary of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area in the State of Colorado, and for other purposes (Rept. No. 108-96).

S. 924. A bill to authorize the exchange of lands between an Alaska Native Village Corporation and the Department of the Interior, and for other purposes (Rept. No. 108-97).

S. 1076. A bill to authorize construction of an education center at or near the Vietnam Veterans Memorial (Rept. No. 108-98).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, without amendment:

H.R. 255. A bill to authorize the Secretary of the Interior to grant an easement to facilitate access to the Lewis and Clark Interpretative Center in Nebraska City, Nebraska (Rept. No. 108-99).

H.R. 1577. To designate the visitor center in Organ Pipe National Monument in Arizona as the "Kris Eggle Visitor Center", and for other purposes (Rept. No. 108-100).

### 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. HARKIN (for himself, Mr. SMITH, Mr. KENNEDY, Mr. LAUTENBERG, and Mr. KERRY):

S. 1394. A bill to establish a demonstration project under the medicaid program to encourage the provision of community-based services to individuals with disabilities; to the Committee on Finance.

By Mr. MCCAIN (for himself and Mr. BROWNBACK):

S. 1395. A bill to authorize appropriations for the Technology Administration of the Department of Commerce for fiscal years 2004 through 2005; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE (for herself, Mr. REID, Ms. MIKULSKI, Mr. LEAHY, Mr. LAUTENBERG, Mr. KENNEDY, Mrs. MURRAY, Mr. SMITH, Mr. CORZINE, Mr. BIDEN, Mr. SARBANES, Mr. KERRY, Mr. WARNER, Mr. INOUE, Mrs. LINCOLN, Ms. STABENOW, Mr. DURBIN, Mr. CHAFFEE, Ms. COLLINS, and Mrs. BOXER):

S. 1396. A bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans; to the Committee on Health, Education, Labor, and Pensions.

### ADDITIONAL COSPONSORS

S. 16

At the request of Mr. DASCHLE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 16, a bill to protect the civil rights of all Americans, and for other purposes.

S. 480

At the request of Mr. HARKIN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 480, a bill to provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes.

S. 877

At the request of Mr. BURNS, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 877, a bill to regulate interstate commerce by imposing limitations and penalties on the transmission of unsolicited commercial electronic mail via the Internet.

S. 894

At the request of Mr. WARNER, the names of the Senator from Kansas (Mr. BROWNBACK) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 894, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 230th Anniversary of the United States Marine Corps, and to support construction of the Marine Corps Heritage Center.

S. 899

At the request of Mrs. HUTCHISON, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 899, a bill to amend title XVIII of the Social Security Act to restore the full market basket percentage increase applied to payments to hospitals for inpatient hospital services furnished to medicare beneficiaries, and for other purposes.

S. 976

At the request of Mr. WARNER, the name of the Senator from Louisiana

(Ms. LANDRIEU) was added as a cosponsor of S. 976, a bill to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement.

S. 977

At the request of Mr. FITZGERALD, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 977, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage from treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

S. 982

At the request of Mrs. BOXER, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Hawaii (Mr. INOUE) were added as cosponsors of S. 982, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and hold Syria accountable for its role in the Middle East, and for other purposes.

S. 1022

At the request of Mr. KOHL, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1022, a bill to amend the Richard B. Russell National School Lunch Act to improve the child and adult care food program.

S. 1213

At the request of Mr. SPECTER, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1213, a bill to amend title 38, United States Code, to enhance the ability of the Department of Veterans Affairs to improve benefits for Filipino veterans of World War II and survivors of such veterans, and for other purposes.

AMENDMENT NO. 1202

At the request of Mr. SESSIONS, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 1202 proposed to H.R. 2657, a bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HARKIN (for himself, Mr. SMITH, Mr. KENNEDY, Mr. LAUTENBERG, and Mr. KERRY):

S. 1394. A bill to establish a demonstration project under the medicare program to encourage the provision of community-based services to individuals with disabilities; to the Committee on Finance.

Mr. HARKIN. Mr. President, today, Senator SMITH and I and others introduce the Money Follows the Person Act of 2003. This legislation is needed

to truly bring people with disabilities and older Americans into the mainstream of society and provide equal opportunity for employment and community activities.

In order to work or live in their own homes, Americans with Disabilities and older Americans need access to community-based services and supports. Unfortunately, under current Federal Medicaid policy, the deck is stacked in favor of living in an institution. The purpose of our bill is to level the playing field and give eligible individuals equal access to community-based services and supports.

Under our legislation, the Medicaid money paid by States and the Federal Government would follow the person with a disability from an institution into the community. This legislation provides 100 percent Federal reimbursement for the community services that an individual needs during the first year that they move out of an institution or nursing home. By fully reimbursing the States, it gives them some additional resources to allow people with disabilities and older Americans to choose to live in the community.

President Bush first proposed the Money Follows the Person Rebalancing Initiative in his FY '04 budget and indicated that the demonstration project would provide full Federal reimbursement for community services for the first year that an individual moves out of an institution or nursing home. As of this date, the administration has not suggested legislative language to Congress or provided specific details regarding the implementation of the proposal. Working with the disability community, we have drafted this legislation and look forward to working with the administration and our colleagues to enact the Money Follows the Person concept into law.

We have a Medicaid system in this country that is spending 70 percent of its dollars on institutional care and only 30 percent on community services. This bill is an important step toward switching those numbers around.

It is shameful that our Federal dollars are being spent to segregate people, not integrate them. It has been 13 years since we passed the Americans with Disabilities Act, which said no to segregation. But our Medicaid program says yes and we need to change it. This is the next civil rights battle. If we really meant what we said in the ADA in 1990, we should enact this legislation.

The civil right of a person with a disability to be integrated into his or her community should not depend on his or her address. In *Olmstead v. LC*, the Supreme Court recognized that needless institutionalization is a form of discrimination under the Americans with Disabilities Act. We in Congress have a responsibility to help States meet their obligations under *Olmstead*. An individual should not be asked to move to another state in order to avoid needless segregation. They also should not be

moved away from family and friends because their only choice is an institution.

For example, I know a young man in Iowa, Ken Kendall, who is currently living in a nursing home because he cannot access home and community based care. Ken was injured in a serious accident at the age of 17 and sustained a spinal chord injury. With the help of community based services covered by his insurance company, Ken could live in his home in Iowa City. Remaining independent made a tremendous difference in his life.

However, several years ago, Ken lost his health insurance and after a time, he went onto Medicaid. As a Medicaid recipient, Ken was only given the option to live in a nursing home in Waterloo almost 2 hours from his friends and family in Iowa City. In the nursing home, Ken has become isolated. He is very far from his family and friends and does not have access to transportation. He had not been to a restaurant or a movie since he moved to the nursing home over 2 years ago. His life has dramatically changed from when he lived in his own apartment and hired his own attendants to care for him.

Recently Ken wrote to me that he finally went to dinner and a movie for his 30th birthday. He said "I was almost in tears. I felt like I had a real life again."

This bill would give people like Ken a real life and not just on their birthdays. People like Ken should not have to continue waiting to be able to live in the community and enjoy the opportunities that other Americans take for granted.

Federal Medicaid policy should reflect the consensus reached in the ADA that Americans with Disabilities should have equal opportunity to contribute to our communities and participate in our society as full citizens. That means no one has to sacrifice their full participation in society because they need help getting out of the house in the morning or assistance with personal care or some other basic service.

This bill will open the door to full participation by people with disabilities and older Americans in our neighborhoods, our communities, our workplaces, and our American Dream, and I urge all my colleagues to support us on this issue. I want to thank Senator SMITH for his commitment to improving access to home and community based services for people with disabilities. I would also like to thank Senators KENNEDY, LAUTENBERG and KERRY for joining me in this important initiative.

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. 1394

*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 "Money Follows the Person Act of 2003".

**SEC. 2. FINDINGS.**

Congress makes the following findings:

(1) In his budget for fiscal year 2004, President George W. Bush proposes a "Money Follows the Person" rebalancing initiative under the medicaid program to help States rebalance their long-term services support systems more evenly between institutional and community-based services.

(2) The President, by proposing this initiative, and Congress, recognize that States have not fully developed the systems needed to create a more equitable balance between institutional and community-based services spending under the medicaid program.

(3) While a few States have been successful at achieving this balance, nationally, approximately 70 percent of the medicaid funding spent for long-term services is devoted to nursing facilities and intermediate care facilities for the mentally retarded. Only 30 percent of such funding is spent for community-based services.

(4) As a result, there are often long waiting lists for community-based services and supports.

(5) In the Americans with Disabilities Act of 1990, Congress found that individuals with disabilities continue to encounter various forms of discrimination, including segregation, and that discrimination persists in such critical areas as institutionalization.

(6) In 1999, the Supreme Court held in *Olmstead v. LC* (527 U.S. 581 (1999)) that needless institutionalization is discrimination under the Americans with Disabilities Act of 1990, noting that institutional placement of people who can be served in the community "perpetuates unwarranted assumptions that persons so isolated are unworthy of participating in community life." (Id. at 600). The Court further found that "confinement in an institution severely diminishes the everyday life activities of individuals, including family relations, social contacts, work options, economic independence, educational advancement, and cultural enrichment." (Id. at 601).

(7) Additional resources would be helpful for assisting States in rebalancing their long-term services support system and complying with the *Olmstead* decision.

**SEC. 3. AUTHORITY TO CONDUCT MEDICAID DEMONSTRATION PROJECTS.**

(a) DEFINITIONS.—In this section:

(1) COMMUNITY-BASED SERVICES AND SUPPORTS.—The term "community-based services and supports" means, with respect to a State, any items or services that are an allowable expenditure for medical assistance under the State medicaid program, or under a waiver of such program and that the State determines would allow an individual to live in the community.

(2) INDIVIDUAL'S REPRESENTATIVE; REPRESENTATIVE.—The terms "individual's representative" and "representative" mean a parent, family member, guardian, advocate, or authorized representative of an individual.

(3) MEDICAID LONG-TERM CARE FACILITY.—The term "medicaid long-term care facility" means a hospital, nursing facility, or intermediate care facility for the mentally retarded, as such terms are defined for purposes of the medicaid program.

(4) MEDICAID PROGRAM.—The term "medicaid program" means the State medical assistance program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(5) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(6) STATE.—The term "State" has the meaning given such term for purposes of the medicaid program.

(b) STATE APPLICATION.—A State may apply to the Secretary for approval to conduct a demonstration project under which the State shall provide community-based services and supports to individuals—

(1) who are eligible for medical assistance under the medicaid program;

(2) who are residing in a medicaid long-term care facility and who have resided in such facility for at least 90 days; and

(3) with respect to whom there has been a determination that but for the provision of community-based services and supports, the individuals would continue to require the level of care provided in a medicaid long-term care facility.

(c) REQUIREMENTS.—A State is not eligible to conduct a demonstration project under this section unless the State certifies the following:

(1) With respect to any individual provided community-based services and supports under the demonstration project, the State shall continue to provide community-based services and supports to the individual under the medicaid program (and at the State's Federal medical assistance percentage (as defined in section 1905(b) of the Social Security Act) reimbursement rate), for as long as the individual remains eligible for medical assistance under the State medicaid program and continues to require such services and supports, beginning with the month that begins after the 12-month period in which the individual is provided such services and supports under the demonstration project.

(2) The State shall allow an individual participating in the demonstration project (or, as appropriate, the individual's representative) to choose the setting in which the individual desires to receive the community-based services and supports provided under the project.

(3) The State shall identify and educate individuals residing in a medicaid long-term care facility who are eligible to participate in the demonstration project (and, as appropriate the individual's representative) about the opportunity for the individual to receive community-based services and supports under the demonstration project.

(4) The State shall ensure that each individual identified in accordance with paragraph (3) (and, as appropriate, the individual's representative), has the opportunity, information, and tools to make an informed choice regarding whether to transition to the community through participation in the demonstration project or to remain in the medicaid long-term care facility.

(5) The State shall maintain an adequate quality improvement system so that individuals participating in the demonstration project receive adequate services and supports.

(6) The State shall conduct a process for public participation in the design and development of the demonstration project and such process shall include the participation of individuals with disabilities, elderly individuals, or individuals with chronic conditions who are part of the target populations to be served by the demonstration project, and the representatives of such individuals.

(7) The Federal funds paid to a State pursuant to this section shall only supplement, and shall not supplant, the level of State funds expended for providing community-based services and supports for individuals under the State medicaid program as of the date the State application to conduct a demonstration project under this section is approved.

(d) APPROVAL OF DEMONSTRATION PROJECTS.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall conduct a competitive application process with respect to applications submitted under subsection (b) (taking into consideration the preferences provided under paragraph (2)) that meet the requirements of subsection (c). In determining whether to approve such an application, the Secretary may waive the requirement of—

(A) section 1902(a)(1) of the Social Security Act (42 U.S.C. 1396a(a)(1)) to allow for sub-State demonstrations;

(B) section 1902(a)(10)(B) of such Act (42 U.S.C. 1396a(a)(10)(B)) with respect to comparability; and

(C) section 1902(a)(10)(C)(i)(III) of such Act (42 U.S.C. 1396a(a)(10)(C)(i)(III)) with respect to income and resource limitations.

(2) PREFERENCE FOR CERTAIN APPLICATIONS.—In approving applications to conduct demonstration projects under this section, the Secretary shall give preference to approving applications that indicate that the State shall do the following:

(A) Design and implement enduring improvements in community-based long-term services support systems within the State to enable individuals with disabilities to live and participate in community life, particularly with respect to those practices that will ensure the successful transition of such individuals from medicaid long-term care facilities into the community.

(B) Design and implement a long-term services support system in the State that prevents individuals from entering medicaid long-term care facilities in order to gain access to community-based services and supports.

(C) Engage in systemic reform activities within the State to rebalance expenditures for long-term services under the State medicaid program through administrative actions that reduce reliance on institutional forms of service and build up more community capacity.

(D) Address the needs of populations that have been underserved with respect to the availability of community services or involve individuals or entities that have not previously participated in the efforts of the State to increase access to community-based services.

(E) Actively engage in collaboration between public housing agencies, the State medicaid agency, independent living centers, and other agencies and entities in order to coordinate strategies for obtaining community integrated housing and supportive services for an individual who participates in the demonstration project, both with respect to the period during which such individual participates in the project and after the individual's participation in the project concludes, in order to enable the individual to continue to reside in the community.

(F) Develop and implement policies and procedures that allow the State medicaid agency to administratively transfer or integrate funds from the State budget accounts that are obligated for expenditures for medicaid long-term care facilities to other accounts for obligation for the provision of community-based services and supports (including accounts related to the provision of such services under a waiver approved under section 1915 of the Social Security Act (42 U.S.C. 1396n)) when an individual transitions from residing in such a facility to residing in the community.

(e) PAYMENTS TO STATES.—

(1) IN GENERAL.—The Secretary shall pay to each State with a demonstration project approved under this section an amount for each quarter occurring during the period described in paragraph (2) equal to 100 percent of the State's expenditures in the quarter for providing community-based services and

supports to individuals participating in the demonstration project.

(2) PERIOD DESCRIBED.—The period described in this paragraph is the 12-month period that begins on the date on which an individual first receives community-based services and supports under the demonstration project in a setting that is not a medicaid long-term care facility and is selected by the individual.

(f) REPORTS.—

(1) IN GENERAL.—Each State conducting a demonstration project under this section shall submit a report to the Secretary that, in addition to such other requirements as the Secretary may require, includes information regarding—

(A) the types of community-based services and supports provided under the demonstration project;

(B) the number of individuals served under the project;

(C) the expenditures for, and savings resulting from, conducting the project; and

(D) to the extent applicable, the changes in State's long-term services system developed in accordance with the provisions of subsection (d)(2).

(2) UNIFORM DATA FORMAT.—In requiring information under this subsection, the Secretary shall develop a uniform data format to be used by States in the collection and submission of data in the State report required under paragraph (1).

(g) EVALUATIONS.—The Secretary shall use an amount, not to exceed one-half of 1 percent of the amount appropriated under subsection (h) for each fiscal year, to provide, directly or through contract—

(1) for the evaluation of the demonstration projects conducted under this section;

(2) technical assistance to States concerning the development or implementation of such projects; and

(3) for the collection of the data described in subsection (f)(1).

(h) FUNDING.—

(1) IN GENERAL.—There is appropriated to carry out this section \$350,000,000 for each of fiscal years 2004 through 2008.

(2) AVAILABILITY.—Funds appropriated under paragraph (1) for a fiscal year shall remain available until expended, but not later than September 30, 2008.

By Mr. McCAIN (for himself and Mr. BROWNBACK):

S. 1395. A bill to authorize appropriations for the Technology Administration of the Department of Commerce for fiscal years 2004 through 2005; to the Committee on Commerce, Science, and Transportation.

Mr. McCAIN. Mr. President, I am pleased to be joined by Senator BROWNBACK in introducing the Technology Administration Authorization Act of 2003. This legislation would authorize funding for the Department of Commerce's Technology Administration, which includes the National Institute of Standards and Technology (NIST), the Office of Technology Policy, and the Office of Space Commercialization.

As we begin the 21st Century, we must recognize that technology is a vital key to our world leadership. In addition, technology is the engine that drives our economy. According to the Bureau of Labor Statistics, there will be 2.5 million new jobs between 2000 and 2010, just in the field of information technology alone. According to

the Department of Commerce, the contribution of the high-tech industry to the U.S. economy has doubled over the past 10 years, from 4.2 percent to 8.3 percent of the gross domestic product. Information technology has contributed more than one-third of the real U.S. economic growth, or approximately \$170 billion.

The Technology Administration has broad responsibilities including supporting the development of standards for first responders, promotion of space commercialization, publication of technical documents, and development of policies regarding technology transfer. The quality of work conducted at NIST labs in Gaithersburg, MD, and Boulder, CO, is evident by the awarding of two Nobel Prizes to NIST researchers, Dr. Bill Phillips and Dr. Eric Cornell, within the past seven years.

NIST plays an important role in developing measurement methods, standards, and technologies that improve U.S. competitiveness in fields as diverse as chemical engineering, manufacturing, electronics, metallurgy, and physics. In addition, NIST is charged with the mission in our Constitution of setting, "the Standard of Weights and Measures" that are the foundation of our economy. NIST also runs the Malcolm Baldrige National Quality Award Program that recognizes performance excellence and quality. Recently, NIST has been charged with a number of new missions, including cyber security research and development, election reform, investigating the collapse of the World Trade Center, and developing metrology for the promising new field of nanotechnology. However, these new initiatives have diverted resources from NIST's traditional missions, and forced scientists to be laid off due to reduced funding. Given NIST's recognized leadership as a "world class" science institution, it is important that we ensure that it is adequately funded.

This legislation would authorize the Technology Administration from Fiscal Years 2004 through 2008 to ensure a steady funding stream for this agency's activities. The bill is based on the President's budget request for NIST's laboratory activities, and includes funding increases of six percent per year to offset the deteriorating funding situation.

The legislation also would authorize funding for the Manufacturing Extension Partnership, (MEP), Program. As Secretary Evans recently stated, "[m]anufacturing is a key pillar of our economy and we are committed to enhancing growth opportunities for our American manufacturing companies." I commend the Secretary for his recognition of the need to energize the manufacturing sector to restore robust growth to our economy. With this recognition in mind, I urge the Administration to be aware of the role that MEP can play in restoring the health of this sector. MEP centers aid small and medium-sized manufacturers by of-

fering expertise, needs evaluation, training and information dissemination to help these companies deal with the challenges of globalization and weak economic growth.

I would urge my colleagues to support this legislation. It is important that we reauthorize these programs to ensure that they continue to carry out their critical role in our Nation's economy.

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. 1395

*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 "Technology Administration Authorization Act of 2003".

**SEC. 2. DEFINITIONS.**

In this Act:

(1) DIRECTOR.—The term "Director" means the Director of the National Institute of Standards and Technology.

(2) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

**SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES.**

(a) LABORATORY ACTIVITIES.—There are authorized to be appropriated to the Department of Commerce for use by the Secretary of Commerce for the Scientific and Technical Research and Services laboratory activities of the National Institute of Standards and Technology—

(1) \$387,621,000 for fiscal year 2004 of which \$5,795,000 shall be for the National Quality Program;

(2) \$410,878,000 for fiscal year 2005 of which \$5,969,000 shall be for the National Quality Program;

(3) \$435,530,000 for fiscal year 2006 of which \$6,148,000 shall be for the National Quality Program;

(4) \$461,662,000 for fiscal year 2007 of which \$6,332,000 shall be for the National Quality Program; and

(5) \$489,362,000 for fiscal year 2008 of which \$6,522,000 shall be for the National Quality Program.

(b) CONSTRUCTION AND MAINTENANCE.—There are authorized to be appropriated to the Department of Commerce for use by the Secretary of Commerce for construction and maintenance of facilities of the National Institute of Standards and Technology—

(1) \$69,590,000 for fiscal year 2004;

(2) \$71,678,000 for fiscal year 2005;

(3) \$73,828,000 for fiscal year 2006;

(4) \$76,043,000 for fiscal year 2007; and

(5) \$78,324,000 for fiscal year 2008.

(c) TEACHER SCIENCE AND TECHNOLOGY ENHANCEMENT INSTITUTE PROGRAM.—There are authorized to be appropriated to the Department of Commerce for use by the Secretary of Commerce for the Teacher Science and Technology Enhancement Institute program of the National Institute of Standards and Technology—

(1) \$750,000 for fiscal year 2004;

(2) \$773,000 for fiscal year 2005;

(3) \$796,000 for fiscal year 2006;

(4) \$820,000 for fiscal year 2007; and

(5) \$844,000 for fiscal year 2008.

(d) INDUSTRIAL TECHNOLOGY SERVICES.—There are authorized to be appropriated to the Department of Commerce for use by the Secretary of Commerce for the Manufacturing Extension Partnership Program of the

National Institute of Standards and Technology—

- (1) \$107,000,000 for fiscal year 2004;
- (2) \$110,210,000 for fiscal year 2005;
- (3) \$113,516,000 for fiscal year 2006;
- (4) \$116,921,000 for fiscal year 2007; and
- (5) \$120,429,000 for fiscal year 2008.

**SEC. 4. AUTHORIZATION OF APPROPRIATIONS FOR THE OFFICE OF THE UNDER SECRETARY FOR TECHNOLOGY.**

(a) OFFICE OF THE UNDER SECRETARY FOR TECHNOLOGY.—There are authorized to be appropriated to the Department of Commerce for use by the Secretary of Commerce for the activities of the Under Secretary for Technology and the Office of Technology Policy—

- (1) \$8,015,000 for fiscal year 2004;
- (2) \$8,255,000 for fiscal year 2005;
- (3) \$8,503,000 for fiscal year 2006;
- (4) \$8,758,000 for fiscal year 2007;
- (5) \$9,021,000 for fiscal year 2008.

(b) OFFICE OF SPACE COMMERCIALIZATION.—There are authorized to be appropriated to the Department of Commerce for use by the Secretary of Commerce for the activities of the Office of Space Commercialization—

- (1) \$500,000 for fiscal year 2004;
- (2) \$515,000 for fiscal year 2005;
- (3) \$530,000 for fiscal year 2006;
- (4) \$546,000 for fiscal year 2007; and
- (5) \$563,000 for fiscal year 2008.

**SEC. 5. AMENDMENT OF STEVENSON-WYDLER ACT.**

Section 17(c) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a(c)) is amended—

- (1) by inserting “and nonprofit organizations” after “Companies” in paragraph (1)(C); and
- (2) by striking paragraph (3) of subsection (c).

**SEC. 6. FINANCIAL STATUS OF THE NATIONAL TECHNICAL INFORMATION SERVICE.**

Within 90 days after the date of enactment of this Act, the Secretary of Commerce shall report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science regarding the financial status of the National Technical Information Service.

AMENDMENTS SUBMITTED &  
PROPOSED

SA 1211. Mr. LUGAR (for Mr. BROWNBACK (for himself and Mr. KENNEDY)) submitted an amendment intended to be proposed to amendment SA 1147 submitted by Mr. BROWNBACK (for himself, Mr. KENNEDY, Mr. LAUTENBERG, and Mr. BINGAMAN) and intended to be proposed to the amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table.

SA 1212. Mr. LUGAR (for Mr. FRIST) submitted an amendment intended to be proposed by Mr. LUGAR to the bill S. 925, supra; which was ordered to lie on the table.

SA 1213. Mr. LUGAR (for Mr. EDWARDS (for himself, Ms. COLLINS, Mr. REED, and Mr. ROBERTS)) submitted an amendment intended to be proposed by Mr. LUGAR to the bill S. 925, supra; which was ordered to lie on the table.

SA 1214. Mr. LUGAR (for Ms. MURKOWSKI (for himself and Ms. LANDRIEU)) submitted an amendment intended to be proposed by Mr. LUGAR to the bill S. 925, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

**SA 1211.** Mr. LUGAR (for Mr. BROWNBACK (for himself and Mr. KEN-

NEDY)) submitted an amendment intended to be proposed to amendment SA 1147 submitted by Mr. BROWNBACK (for himself, Mr. KENNEDY, Mr. LAUTENBERG, and Mr. BINGAMAN) and intended to be proposed to the amendment SA 1136 by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

**SEC. 214. ENHANCING REFUGEE RESETTLEMENT TO ENSURE NATIONAL SECURITY AND MAINTAIN THE UNITED STATES COMMITMENT TO REFUGEES.**

(a) FINDINGS.—Congress finds the following:

(1) The United States has a longstanding tradition of providing refugee assistance and relief through the Department of State's migration and refugee assistance account for refugees throughout the world who have been subjected to religious and other forms of persecution.

(2) A strong refugee resettlement and assistance program is a critical component of the United States' strong commitment to freedom.

(3) The United States refugee admissions program has been in decline for much of the last 5 years, resulting in a chronic inability of the United States to meet the ceiling on refugee admissions that has been set by the President each year.

(4) Refugee applicants have always undergone rigorous security screenings. The September 11, 2001, terrorist attacks on the United States have rightfully increased the awareness of the need to ensure that all aliens seeking admission to the United States would not endanger the United States. In order to ensure that the refugee admissions program remains available in a timely way to deserving and qualified refugee applicants, all personnel involved in screening such applicants should closely coordinate their work in order to ensure both the timely and complete screening of such applicants.

(5) Private voluntary agencies have and continue to provide valuable information to State Department officials for refugee processing, and along with Embassy personnel, can be utilized to assist in the preliminary screening of refugees so that State Department officials can focus to a greater extent on security.

(6) In order to meet the ceiling set by the Administration, which has been 70,000 refugees in recent years, a broader cross-section of the world's 15,000,000 refugees could be considered for resettlement in the United States if the Department of State were to expand existing refugee processing priority categories in a reasonable and responsible manner. Expansion of refugee selection should include the expanded use of both the existing category reserved for refugees of special interest to the United States as well as the existing categories reserved for family reunification.

(b) PURPOSE.—It is the purpose of this section to provide the Department of State with tools to enable it to carry out its responsibilities with greater efficiency with respect to the identification and processing of refugee applicants.

(c) SENSE OF CONGRESS CONCERNING ANNUAL ADMISSION OF REFUGEES.—It is the sense of Congress that—

(1) efforts of the Department of State to admit 70,000 refugees, as allocated through

presidential determinations, for fiscal year 2003 are strongly supported and recommended; and

(2) the Administration should seek to admit at least 90,000 refugees in fiscal year 2004 and at least 100,000 in fiscal year 2005.

(d) REFUGEE SECURITY COORDINATOR.—

(1) ESTABLISHMENT.—In order to further enhance overseas security screening of the United States Refugee Resettlement Program, there shall be within the Bureau of Population, Refugees, and Migration, a Refugee Security Coordinator who shall report to the Assistant Secretary of State for Population, Refugees, and Migration.

(2) RESPONSIBILITIES.—The Refugee Security Coordinator referred to in paragraph (1) shall be responsible for—

(A) ensuring that applicants for admission to the United States undergo a security review;

(B) ensuring that, to the greatest extent practicable, such security reviews are completed within 45 days of the submission of the information necessary to conduct such a review;

(C) providing appropriate officials in the Department of Justice and the Department of Homeland Security pertinent information for conducting security reviews for applicants; and

(D) making recommendations on procedural and personnel changes and levels of appropriations that the Refugee Security Coordinator considers appropriate for the various agencies of government involved in conducting security reviews for refugee applicants in order to ensure that such reviews are complete and accurate, protect the security of the United States, and are completed in a timely manner.

(3) AUTHORITY.—In carrying out the responsibilities set forth in paragraph (2), the Refugee Security Coordinator shall have full authority to work with the various agencies of government to ensure that security reviews are conducted in a complete and timely manner, including authority to inquire about and recommend and inform the appropriate agencies on any particular application with emphasis on emergency protection cases for the purpose of seeking expedited processing.

(e) USE OF NONGOVERNMENTAL ORGANIZATIONS IN REFERRAL OF REFUGEES.—

(1) PRIVATE VOLUNTARY ORGANIZATION REFERRALS.—The Secretary of State shall develop and utilize partnerships with private voluntary agencies that permit such agencies to assist in the identification and referral of refugees, through the creation of networks of field-based nongovernmental organizations with immediate and direct knowledge of refugees in need of a durable solution.

(2) USE OF VOLUNTARY AGENCIES IN OVERSEAS REFUGEE PROCESSING.—In processing refugees for admission to the United States, the Department of State shall utilize private voluntary agencies.

(3) REFUGEE RESPONSE TEAMS.—

(A) ESTABLISHMENT.—In order to make the processing of refugees more efficient and effective, enhance the quality of refugee resettlement programs, and to augment the capacity of the United States Government to identify, process, assist, and counsel individuals for eventual adjudication by the Department of Homeland Security as refugees, the Secretary of State shall establish and utilize the services of Refugee Response Teams (in this section referred to as “RRTs”). RRTs shall be coordinated by the Assistant Secretary of State for Population, Refugees, and Migration, or the Assistant Secretary's designee, and work with the Refugee Security Coordinator.

(B) RESPONSIBILITIES OF THE RRTS.—RRTs shall be responsible for—

(i) monitoring refugee situations, with a view toward identifying those refugees whose best durable solution is third country resettlement;

(ii) preparing profiles and documentation for resettlement consideration by the United States Government;

(iii) augmenting or establishing an overseas operation, especially in response to urgent developments requiring quick responses or more staff resources than are available in the existing processing entities;

(iv) assisting with training and technical assistance to existing international organizations and other processing entities; and

(v) such other responsibilities as may be determined by the Secretary of State.

(C) **RESPONSIBILITIES OF THE SECRETARY.**—The Secretary of State shall establish appropriate training seminars for RRT personnel and make use of RRTs in situations where existing mechanisms are unable to identify and process refugees in a timely manner.

(f) **PERFORMANCE STANDARDS.**—In consultation with private voluntary organizations, the Secretary of State shall establish performance standards to ensure accountability and effectiveness in the tasks carried out in subsection (e).

(g) **CONSIDERATION OF VARIOUS GROUPS.**—To ensure that there is adequate planning across fiscal years and that both the Department of State's planning and processing operations result in adequate numbers of travel-ready refugees to fulfill the admissions goals set forth in the determinations on refugee admissions required by sections 207(a) and 207(b) of the Immigration and Nationality Act (8 U.S.C. 1157(a) and (b)), the Secretary of State shall work to ensure that—

(1) all refugees in special need, such as long-stayers in first countries of asylum, unaccompanied refugee minors, refugees outside of a traditional camp setting, and refugees in women-headed households be given special attention for resettlement processing;

(2) attempts are made to expand processing of those refugees of all nationalities who have close family ties to citizens and residents in the United States, including spouses, unmarried children, or parents of persons lawfully admitted to the United States, regardless of their country of nationality, country of habitual residence, or first country of asylum, as well as grandparents, grandchildren, married sons or daughters, or siblings of United States citizens or other persons lawfully admitted to the United States;

(3) attempts are made to expand the number of refugees considered who are of special concern to the United States;

(4) individuals otherwise eligible for access to the United States refugee admissions program seeking admission to the United States as refugees are not excluded from being interviewed because of such individual's country of nationality, country of habitual residence, or first country of asylum; and

(5) expanded access is provided to broader categories of refugees seeking admission to the United States, thus reducing instances of relationship-based misrepresentation by persons who are bona fide refugees but who resort to such misrepresentation merely as a way to be interviewed for refugee status.

(h) **REPORT.**—Not later than 90 days after the date of enactment of this Act, the Secretary of State shall submit a report to Congress that includes information concerning the following:

(1) Efforts of the Refugee Security Coordinator in assuming the responsibilities set forth in subsection (d) that includes—

(A) a description of the process involved in conducting security reviews for refugee applicants;

(B) a listing of the various agencies of the Federal Government that are involved in conducting security reviews for refugee applicants;

(C) a listing for each agency described in accordance with subparagraph (B) of the number of personnel involved in conducting security reviews for refugee applicants;

(D) a listing for each agency described in accordance with subparagraph (B) of the amount of funding in the previous fiscal year for conducting security reviews for refugee applicants;

(E) the average amount of time that it takes to conduct security reviews for refugee applicants; and

(F) a plan on how the Refugee Security Coordinator will fulfill the responsibilities set forth in paragraphs (1), (2), and (3) of subsection (d).

(2) Efforts of the Secretary to utilize private voluntary organizations in refugee identification, utilize private voluntary agencies in processing refugees, and an explanation of the rationale for not using such organizations and agencies in situations where the Secretary of State has made such a determination.

(3) Efforts of the Secretary of State implement performance standards and measures are described in subsection (f) and the success of private voluntary organizations in meeting such standards.

(4) Efforts of the Secretary of State to expand consideration of various groups for refugee processing as described in subsection (g).

(5) Efforts to ensure that there is planning across fiscal years so as to fulfill the refugee admissions goals set forth by the President in the President's annual presidential determinations on refugee admissions, including efforts to reach at least 70,000 admissions in fiscal year 2003, 90,000 in fiscal year 2004, and 100,000 in fiscal year 2005 as recommended by Congress.

**SA 1212.** Mr. LUGAR (for Mr. FRIST) submitted an amendment intended to be proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

**SEC. 815. VISA WAIVER PROGRAM.**

(a) **IN GENERAL.**—Section 217(c)(1) of the Immigration and Nationality Act (8 U.S.C. 1187(c)(1)) is amended by adding at the end the following: "Poland shall be designated as a program country under this subsection."

(b) **EFFECTIVE DATE.**—The amendment made in subsection (a) shall take effect 60 days after the date of enactment of this Act.

**SA 1213.** Mr. LUGAR (for Mr. EDWARDS (for himself, Ms. COLLINS, Mr. REED, and Mr. ROBERTS)) submitted an amendment intended to be proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

Following the end of title IX, insert the following new title:

**TITLE X—RECONSTRUCTION ASSISTANCE**  
**SEC. 1001. SHORT TITLE.**

This title may be cited as the "Winning the Peace Act of 2003".

**SEC. 1002. FINDINGS.**

Congress makes the following findings:

(1) President George W. Bush has stated that the United States security strategy takes into account the fact that "America is now threatened less by conquering states than we are by failing ones".

(2) Failed states can provide safe haven for a diverse array of transnational threats, including terrorist networks, militia and warlords, global organized crime, and narcotics traffickers who threaten the security of the United States and the allies of the United States.

(3) The inability of the authorities in a failed state to provide basic services can create or contribute to humanitarian emergencies.

(4) It is in the interest of the United States and the international community to bring conflict and humanitarian emergencies stemming from failed states to a lasting and sustainable close.

(5) Since the end of the Cold War, United States military, diplomatic, and humanitarian personnel have been engaged in major post-conflict reconstruction efforts in such places as Iraq, Bosnia, Kosovo, Somalia, Haiti, Rwanda, East Timor, and Afghanistan.

(6) Assisting failed states in emerging from violent conflict is a complex and long-term task, as demonstrated by the experience that 50 percent of such states emerging from conditions of violent conflict slip back into violence within 5 years.

(7) In 2003, the bipartisan Commission on Post-Conflict Reconstruction created by the Center for Strategic and International Studies and the Association of the United States Army, released a report explaining that "United States security and development agencies still reflect their Cold War heritage. The kinds of complex crises and the challenge of failed states encountered in recent years do not line up with these outdated governmental mechanisms. If regional stability is to be maintained, economic development advanced, lives saved, and transnational threats reduced, the United States and the international community must develop a strategy and enhance capacity for pursuing post-conflict reconstruction."

**SEC. 1003. DEFINITIONS.**

In this title:

(1) **ADMINISTRATOR.**—The term "Administrator" means the Administrator of the United States Agency for International Development.

(2) **DIRECTOR.**—The term "Director" means a Director of Reconstruction for a country or region designated by the President under section 1004.

(3) **RECONSTRUCTION SERVICES.**—The term "reconstruction services" means activities related to rebuilding, reforming, or establishing the infrastructure processes or institutions of a country that has been affected by an armed conflict, including services related to—

(A) security and public safety, including—  
(i) disarmament, demobilization, and reintegration of combatants;

(ii) training and equipping civilian police force; and

(iii) training and equipping of national armed forces;

(B) justice, including—

(i) developing rule of law and legal, judicial, and correctional institutions;

(ii) preventing human rights violations;

(iii) bringing war criminals to justice;

(iv) supporting national reconciliation processes; and

- (v) clarifying property rights;
- (C) governance, including—
  - (i) reforming or developing civil administration and other government institutions;
  - (ii) restoring performance of basic civil functions, such as schools, health clinics, and hospitals; and
  - (iii) establishing processes of governance and participation; and
- (D) economic and social well-being, including—
  - (i) providing humanitarian assistance;
  - (ii) constructing or repairing infrastructure;
  - (iii) developing national economic institutions and activities, such as a banking system; and
  - (iv) encouraging wise stewardship of natural resources for the benefit of the citizens of such country.

**SEC. 1004. DIRECTOR OF RECONSTRUCTION POSITIONS.**

(a) **AUTHORIZATION OF POSITIONS.**—The President is authorized to designate a civilian, who shall report to the President through the Secretary of State, as the Director of Reconstruction for each country or region in which—

(1) units of the United States Armed Forces have engaged in significant military operations; or

(2) as a result of armed conflict, the country or region will receive reconstruction services from the United States Government.

(b) **AUTHORITY TO PROVIDE RECONSTRUCTION SERVICES.**—The President is authorized to provide reconstruction services for any country or region for which a Director has been designated under subsection (a).

(c) **DUTIES.**—A Director who is designated for a country or region under subsection (a) shall provide oversight, planning and coordination of, have decision making authority for, and consult with Congress regarding, all activities of the United States Government that are related to providing reconstruction services in such country or region, including implementing complex, multidisciplinary post-conflict reconstruction programs in such country or region and a transition to long-term development funded by the United States Government.

(d) **COORDINATION.**—A Director shall coordinate with the representatives of the country or region where the Director is overseeing and coordinating the provision of reconstruction services, and any foreign government, multilateral organization, or nongovernmental organization that is providing services to such country or region—

(1) to avoid providing reconstruction services that duplicate any such services that are being provided by a person or government other than the United States Government;

(2) to capitalize on civil administration systems and capabilities available from such person or government; and

(3) to utilize individuals or entities with expertise in providing reconstruction services that are available through such other person or government.

(e) **SUPPORT SERVICES.**—The Secretary and the Administrator are authorized to provide support, including administrative services, to each Director designated under subsection (a).

**SEC. 1005. POST-CONFLICT RECONSTRUCTION PREPAREDNESS.**

(a) **IN GENERAL.**—The Administrator shall develop the capacity within the United States Agency for International Development to—

(1) develop and maintain a database of individuals or entities that possess expertise in providing reconstruction services on an ongoing basis; and

(2) provide support for mobilizing such individuals and entities to provide a country or region with services applying such expertise when requested by the Director for such country or region.

(b) **EXPERTS.**—The individuals or entities referred to in subsection (a) may include employees or agencies of the Federal Government, any other government, or any other person, including former Peace Corps volunteers or civilians located in the affected country or region.

**SEC. 1006. SENSE OF CONGRESS REGARDING INTEGRATED SECURITY SUPPORT COMPONENT.**

(a) **CREATION OF AN INTEGRATED SECURITY SUPPORT COMPONENT OF NATO.**—It is the sense of Congress that consistent with the refusal to create a response force within the North Atlantic Treaty Organization—

(1) the Secretary and the Secretary of Defense should consider presenting to the North Atlantic Council a proposal to establish an Integrated Security Support Component to train and equip selected units within the North Atlantic Treaty Organization to assist in providing security in countries or regions that require reconstruction services; and

(2) if such a Component is established, the President should consider committing United States personnel to participate in such Component, after appropriate consultation with Congress.

(b) **PARTICIPATION IN AN INTEGRATED SUPPORT COMPONENT.**—

(1) **IN GENERAL.**—If the North Atlantic Council establishes an Integrated Security Support Component, as described in subsection (a), the President may commit United States personnel to participate in such Component, after appropriate consultation with Congress.

(2) **CAPABILITIES.**—The units composed of United States personnel participating in such Component should be capable of—

(A) providing for security of a civilian population, including serving as a police force; and

(B) providing for the performance of public functions and the execution of security tasks such as control of belligerent groups and crowds, apprehending targeted persons or groups, performing anti-corruption tasks, and supporting police investigations.

**SEC. 1007. TRAINING CENTER FOR POST-CONFLICT RECONSTRUCTION OPERATIONS.**

(a) **ESTABLISHMENT.**—The Secretary should establish an interagency Training Center for Post-Conflict Reconstruction Operations for the purposes described in subsection (b) either—

(1) under the auspices of the National Foreign Affairs Training Center; or

(2) by directing the Administrator to establish such a center under the United States Agency for International Development.

(b) **PURPOSES.**—The purposes of the Training Center authorized by subsection (a) shall be to—

(1) train interagency personnel in assessment, strategy development, planning, and coordination related to providing reconstruction services;

(2) develop and certify experts in fields related to reconstruction services who could be called to participate in operations in countries or regions that require such services;

(3) provide training to individuals who will provide reconstruction services in a country or region;

(4) develop rapidly deployable training packages for use in countries or regions in need of reconstruction services; and

(5) conduct reviews of operations that provide reconstruction services for the purpose of—

(A) improving subsequent operations to provide such services; and

(B) developing appropriate training and education programs for individuals who will provide such services.

**SEC. 1008. REPORTS TO CONGRESS.**

Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report on the actions planned to be taken to carry out the provisions of this title.

**SA 1214.** Mr. LUGAR (for Ms. MURKOWSKI (for herself and Ms. LANDRIEU)) submitted an amendment intended to be proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

**SEC. . SENSE OF CONGRESS ON THE ESTABLISHMENT OF AN OIL RESERVE FUND FOR IRAQ.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) Coalition forces have liberated the Iraqi people from the tyranny of Saddam Hussein and his regime.

(2) The vast mineral resources, including oil, of Iraq could contribute to the present and future generations of Iraqis.

(3) Iraq has one of the largest known petroleum reserves in the world, and those reserves could be used to foster economic development and democratization in Iraq.

(4) Very little of the potential of the oil sector in Iraq has actually been harnessed.

(5) Revenue estimates Iraqi oil exports indicate that reconstruction costs will greatly exceed revenues in the near term, however, a recapitalized Iraqi oil sector will eventually serve as a vital source of national wealth.

(6) Under Saddam Hussein's regime, the proceeds from those resources were used to build palaces, enrich the members of the Republican Guard, oppress the Iraqi people, and stifle their desires for a democratic government.

(7) As many of the nations of the Persian Gulf demonstrate, possession of large petroleum reserves alone does not ensure economic development or democratization.

(8) The development of a vibrant democracy requires a strong middle class, a free press, and free and fair elections.

(9) The future Government of Iraq will face a variety of reconstruction challenges ranging from restoring infrastructure to providing basic human services like education and healthcare.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) the Secretary of Energy should develop a proposal for the establishment of an oil reserve fund for Iraq and submit the proposal to appropriate representatives of the Iraqi people, and the Coalition Provisional Authority for consideration;

(2) the proposal should take proper account of the need of Iraq for funding of reconstruction, meeting its international financial obligations, and providing essential human services such as education and health care;

(3) the fund could be called the Iraqi Freedom Fund and could be based on models such as the Alaska Permanent Fund, as well as other appropriate models; which are managed on a for-profit basis to produce additional revenues; and allow a portion of the annual earnings of the fund to be distributed

to the Iraqi people as direct payments, or through programs designed to promote the establishment of a permanent middle class, with the remainder of the fund to be capitalized to allow the fund to grow for future generations; and

(4) the goal of the fund would be to encourage maximum participation by the people of Iraq in the operation of their government, to promote the proper use of the natural resources of Iraq, and to ensure that the Iraqi people benefit from the development of the natural resources of Iraq.

(5) Control and decision making over Iraq's natural resources properly belongs to the people of Iraq. This fund should promote the twin policy goals of a more democratic Iraq, and a more equal distribution of Iraq's wealth to all of her citizens.

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#### NOTICE: REGISTRATION OF MASS MAILINGS

The filing date for 2003 second quarter mass mailings is Friday, July 25, 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, D.C. 20510-7116.

The Public Records office will be open from 9:00 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.

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#### ORDERS FOR MONDAY, JULY 14, 2003

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the

Senate completes its business today, it stand in adjournment until 2 p.m., Monday, July 14. I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin consideration of H.R. 2658, the Department of Defense appropriations bill.

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

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#### PROGRAM

Mr. McCONNELL. For the information of all Senators, on Monday, the Senate will begin consideration of H.R. 2658, the DOD appropriations bill. The managers of the bill encourage Members who have amendments to come to the floor on Monday afternoon to debate those amendments. We will consider amendments throughout the afternoon, and any votes ordered will be stacked to occur at 5 or 5:30 p.m. on Monday. Therefore, let me repeat, the first vote of Monday's session will occur in that rough timeframe of 5 to 5:30. The Senate may consider executive nominations during Monday's session as well.

On behalf of the majority leader, I inform my colleagues that next week will be a busy week as well. We are going to continue to work through the appropriations process and could have late nights throughout the week. Therefore, all Senators should expect rollcall votes each and every day next week.

ADJOURNMENT UNTIL MONDAY,  
JULY 14, 2003, AT 2 P.M.

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 1:04 p.m., adjourned until Monday, July 14, 2003, at 2 p.m.

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#### NOMINATIONS

Executive nominations received by the Senate July 11, 2003:

##### DEPARTMENT OF STATE

CONSTANCE ALBANESE MORELLA, OF MARYLAND, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT, WITH THE RANK OF AMBASSADOR.

##### EXECUTIVE OFFICE OF THE PRESIDENT

JOEL DAVID KAPLAN, OF MASSACHUSETTS, TO BE DEPUTY DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET, VICE NANCY DORN.

##### EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

LESLIE SILVERMAN, OF VIRGINIA, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2008. (REAPPOINTMENT)

##### DEPARTMENT OF JUSTICE

MAURICIO J. TAMARGO, OF FLORIDA, TO BE CHAIRMAN OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES FOR A TERM EXPIRING SEPTEMBER 30, 2006. (REAPPOINTMENT)

##### DEPARTMENT OF VETERANS AFFAIRS

CYNTHIA R. CHURCH, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (PUBLIC AND INTERGOVERNMENTAL AFFAIRS), VICE MAUREEN P. CRAGIN, RESIGNED.