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## Senate

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

### PRAYER

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

Let us pray.

O Light of light, we thank You for a new day with all its shades, shadows, and sunshine. Strengthen us for the opportunities and challenges ahead. Lord, keep us from murmuring and complaining, as we face life's inevitable setbacks. Thank You for blessing us beyond what we deserve for life, for love, for liberty. Forgive us when we seek to be served instead of striving to serve. Empower our leaders today, that the end of this day will find them unashamed. Establish Your reign among us, and let truth and unity prevail. We pray this in Your Holy Name. Amen.

### PLEDGE OF ALLEGIANCE

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

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

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. FRIST. Mr. President, this morning we will resume consideration of the Labor-HHS appropriations bill. Beginning at 9:30 this morning, there will be two consecutive votes in relation to amendments to this appropriations bill. The first vote will be in relation to Senator CLINTON's amendment on a bioterrorism workforce, and the second will be in relation to the Harkin

amendment on school renovation. Following those votes, the chairman and ranking member are prepared to remain and debate further amendments.

As we have indicated previously, we need and plan on finishing this bill as soon as possible. There are additional appropriations bills that are now ready for full Senate action, and once this bill is completed we will be proceeding to those bills. We need to continue to work in an orderly way, which has been demonstrated over the course of this week. Today I know will be a very productive day, as will Monday.

It is my hope we can finish Labor-HHS, this appropriations bill, no later than Tuesday, and with the cooperation of Members working together, this is indeed still possible. This will require votes this morning. There will be just these two votes this morning. Again, debate will continue throughout the course of the day. We will be voting late Monday afternoon. Specific times will be set later today. There may be multiple votes on Monday. I will have more to say on Monday's schedule later today, as we see what amendments are offered and which will be appropriate to vote on on Monday.

### RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDENT pro tempore. The assistant Democratic leader.

### VOTING SCHEDULE

Mr. REID. Mr. President, we worked the day before yesterday and yesterday and did come up with a finite list of amendments on our side and on the majority's side. The respective staffs worked closely together, and we now have a list. We were hopeful last night we could have had that put into a unanimous consent request. We have been told that the issue holding that up has been the request that we had to have an overtime vote on Tuesday

when all four Presidential candidates will be here.

I will say, through the Chair to the majority leader, from the first day I started talking, as did Senator HARKIN, to the Republican manager, the senior Senator from Pennsylvania, we acknowledged that we wanted to have a vote on Tuesday. So it is not anything that is new or unique that we have been setting that time aside tentatively.

We would hope that before we leave here this morning, we can have some kind of agreement to that effect. Otherwise, we will do our best to cooperate, but we certainly need that vote. We think it would be the right thing to do to have as many of our people here as possible when that vote occurs. As the leader knows, we have a few Republican votes on that, but with the margins as small as they are, it would be a very close vote. We should have everyone whenever that vote occurs.

We have been acting in very good faith. It was hard to get agreement on our side. That is why I was hoping we could have it done last night. I do hope we can have that done today.

Senator DOMENICI and I have worked the Energy and water bill on many occasions. We feel we have a good bill. It is one I am glad the majority leader is going to move to quickly because we are going to have a very difficult conference with the House. There are some big issues we normally don't have to work with in our conference that are in dispute. I think we can finish that bill in a fairly short period of time. It is a bill that is very important to almost every Member.

The PRESIDENT pro tempore. The majority leader.

Mr. FRIST. In response to the assistant Democratic leader, scheduling is always a challenge. I appreciate the straightforward way he presents it because it is very clear that on the other side of the aisle there are a number of people running for the nomination for

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



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President and the candidates are participating in the political process. But we do have business here in the Senate. To try to dictate the schedule entirely around their candidacy for President is just impractical. I cannot do that. I want to be respectful as much as possible as we go forward. It is difficult. I want to be as accommodating as we possibly can in terms of votes, allowing people to participate.

On the other hand, we need to keep business going. We have made great progress in terms of the amendments on our side and on the other side, getting them down to a manageable number. Some might question "a manageable number," but to a number that we can work with. I appreciate that. That is what it is going to take in order to bring real focus to this bill.

In terms of agreeing to when we will vote on, indeed, a very complicated and complex issue at a specific time, at a day that is most convenient because of political candidates running around the country, especially since that amendment has not even yet been offered, is something we can't do at this time. That was explained to the other side of the aisle. That should not slow things down at all. But again, there is an orderly process. When the amendment is provided and debated, we have a lot of people who will want to speak on that. Again, the issue is a very important one.

We are making real progress. I am pleased where we are in terms of having this manageable group of amendments. Systematically, we will be going through those over the course of the day and Monday and Tuesday. Hopefully, we will complete the bill.

Mr. REID. If I may briefly reply, we shared the amendment Senator HARKIN is going to offer with Senator SPECTER and Republican staff. The question is when he should offer it. He could have offered it last night. He will offer it today. Everyone has had the opportunity to see the amendment.

We are respectful of the majority leader's problems in trying to set schedules. That is why, when we have had very close votes, we have not asked for revotes when our people come back. It is not often we have asked to have a vote at a certain time, but we have telegraphed, so to speak, our punch and let everyone know we were trying to get something lined up for Tuesday. I hope we can do that. With the number of amendments we have, as the leader knows, we can finish the bill very quickly or it can take a long time. We hope on Tuesday we can have that vote to work toward ending debate on this very important bill.

#### RESERVATION OF LEADER TIME

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

#### DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2660, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2660) 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.

Pending:

Specter amendment No. 1542, in the nature of a substitute.

Byrd amendment No. 1543 (to amendment No. 1542), to provide additional funding for education for the disadvantaged.

Akaka amendment No. 1544 (to amendment No. 1542), to provide funding for the Excellence in Economic Education Act of 2001.

Mikulski amendment No. 1552 (to amendment No. 1542), to increase funding for programs under the Nurse Reinvestment Act and other nursing workforce development programs.

Kohl amendment No. 1558 (to amendment No. 1542), to provide additional funding for the ombudsman program for the protection of vulnerable older Americans.

Kennedy amendment No. 1566 (to amendment No. 1542), to increase student financial aid by an amount that matches the increase in low- and middle-income family college costs.

Dodd amendment No. 1572 (to amendment No. 1542), to provide additional funding for grants to States under part B of the Individuals with Disabilities Education Act.

Harkin amendment No. 1575 (to amendment No. 1542), to provide additional funding for the Fund for the Improvement of Education.

DeWine amendment No. 1561 (to amendment No. 1542), to provide funds to support graduate medical education programs in children's hospitals.

DeWine amendment No. 1560 (to amendment No. 1542), to provide funds to support poison control centers.

DeWine amendment No. 1578 (to amendment No. 1542), to provide funding for the Underground Railroad Education and Cultural Program.

Clinton amendment No. 1565 (to amendment No. 1542), to provide additional funding to ensure an adequate bioterrorism preparedness workforce.

The PRESIDENT pro tempore. Under the previous order, until the hour of 9:30 a.m., the time will be equally divided between the two bill managers or their designees.

In my capacity as a Senator from Alaska, I suggest the absence of a quorum and ask the clerk to call the roll. The time will be charged against both sides.

Without objection, it is so ordered.

The legislative clerk proceeded to call the roll.

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

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

Mr. HARKIN. Mr. President, I understand the first vote this morning will be on the Harkin amendment; is that true?

The PRESIDENT pro tempore. The first vote will be on the Clinton amendment, No. 1565, to be followed by the amendment of the Senator from Iowa, No. 1575.

AMENDMENT NO. 1575

Mr. HARKIN. Mr. President, I want to speak a couple minutes on my amendment. The amendment we will be voting on has to do with school construction. Actually 3 years ago, this Congress appropriated almost \$1 billion for school construction around the United States. This money has gone out to States all over the country. Some of it has been used and some of it still is going out for construction and renovation purposes. But what it has done is leveraged for every Federal dollar about \$15 or \$20 of local money. So we are getting a heck of a bang for the buck by putting money into school construction and renovation. That happened in Iowa, and it is happening in every other State in the country.

The American Society of Civil Engineers 3 years ago gave a report card on the infrastructure of America, and they gave the schools a D minus, the lowest grade of any category, lower than sewer and water and highways and everything else. They said schools were a D minus 3 years ago. Just yesterday they came out with their report card again and said there has been no progress at all.

The PRESIDENT pro tempore. The Senator's time has expired. The time was equally divided before 9:30. The Senator's time has expired. Under the previous agreement, the time before 9:30 was equally divided between the Senator from Iowa and the Senator from Pennsylvania.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I am very sympathetic to the objectives sought by the Senator from Iowa. In the past, on budget resolutions in prior years, I have supported using Federal funds on school construction. But the difficulty this year is that there is no money available for this line. Senator HARKIN and I, on a bipartisan basis, have worked out the allocation of \$137 billion. I would like to have money for school construction, but it simply isn't there.

It was not included in the budget resolution this year. It has always been highly controversial to pass this body, and it was only Senator D'Amato and Senator CAMPBELL and I who supported it in the past, when Senator HARKIN spearheaded this effort along with Carol Moseley-Braun. This is one of the many laudable objectives I would like to see funded. I fought hard for a larger allocation from the subcommittee. I would be glad to join Senator HARKIN in supporting this measure, but as manager it is my duty to stay within the confines of the bill and within the confines of the allocation. So it is with regret that I have to raise a point of order.

Mr. President, I raise a point of order under section 504 of the concurrent resolution on the budget for fiscal year

2004 that the amendment exceeds the discretionary spending limits specified in this section and therefore is not in order.

The PRESIDENT pro tempore. Which amendment is the point of order raised against?

Mr. SPECTER. Mr. President, that was raised against the amendment to be voted on first, which has already been noted by the Chair, the amendment of Senator CLINTON.

Similarly, I raise a point of order under section 504 of the concurrent resolution for fiscal year 2004 that the amendment of Senator HARKIN exceeds the discretionary spending limits and therefore is not in order.

The PRESIDENT pro tempore. So the Senator has made a point of order under each of the amendments?

Mr. SPECTER. That is correct.

Mr. HARKIN. Mr. President, pursuant to section 504(b)(2) of House Concurrent Resolution 95, the concurrent resolution on the budget for fiscal year 2004, I move to waive section 504 of that concurrent resolution for the purpose of the pending amendment, and also for the amendment that I offered, which would be following this vote at 9:30 on the Clinton amendment.

The PRESIDENT pro tempore. Without objection, the two motions are received.

Mr. HARKIN. Mr. President, I ask for the yeas and nays on both amendments.

The PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

VOTE ON AMENDMENT NO. 1565

The PRESIDENT pro tempore. The question is on agreeing to the motion with respect to amendment No. 1565.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Tennessee (Mr. ALEXANDER), the Senator from Illinois (Mr. FITZGERALD), the Senator from Texas (Mrs. HUTCHISON), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Alabama (Mr. SHELBY) are necessarily absent.

Mr. REID. I announce that the Senator from Louisiana (Mr. BREAU), the Senator from North Dakota (Mr. DORGAN), the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Georgia (Mr. MILLER), and the Senator from Florida (Mr. GRAHAM) are necessarily absent.

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

The result was announced—yeas 41, nays 47, as follows:

[Rollcall Vote No. 328 Leg.]

YEAS—41

Akaka	Biden	Byrd
Baucus	Bingaman	Cantwell
Bayh	Boxer	Clinton

Conrad	Jeffords	Nelson (FL)
Corzine	Johnson	Nelson (NE)
Daschle	Kennedy	Pryor
Dayton	Kohl	Reed
Dodd	Landrieu	Reid
Durbin	Lautenberg	Rockefeller
Feingold	Leahy	Sarbanes
Feinstein	Levin	Schumer
Harkin	Lincoln	Stabenow
Hollings	Mikulski	Wyden
Inouye	Murray	

NAYS—47

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

NOT VOTING—12

Alexander	Fitzgerald	Lieberman
Breaux	Graham (FL)	Miller
Dorgan	Hutchison	Murkowski
Edwards	Kerry	Shelby

The PRESIDENT pro tempore. On this question, the yeas are 41, the nays are 47. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

VOTE ON AMENDMENT NO. 1575

The PRESIDENT pro tempore. Under the previous order, we will now proceed to a vote on the point of order made against the Harkin amendment, amendment No. 1575. The yeas and nays have been ordered.

There is a previous order for 5 minutes of debate equally divided in the usual form prior to the second vote. Who yields time?

Mr. SPECTER. Mr. President, we know there are many Members anxious to depart for planes, and Senator HARKIN and I have decided to yield back our time and proceed directly to the vote.

The PRESIDENT pro tempore. Without objection, it is so ordered. All time is yielded back.

The question is on agreeing to the motion. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Tennessee (Mr. ALEXANDER), the Senator from Texas (Ms. HUTCHISON), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Alabama (Mr. SHELBY) are necessarily absent.

Mr. REID. I announce that the Senator from Louisiana (Mr. BREAU), the Senator from North Dakota (Mr. DORGAN), the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

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

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

The yeas and nays resulted—yeas 43, nays 46, as follows:

[Rollcall Vote No. 329 Leg.]

YEAS—43

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

NAYS—46

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

NOT VOTING—11

Alexander	Graham (FL)	Miller
Breaux	Hutchison	Murkowski
Dorgan	Kerry	Shelby
Edwards	Lieberman	

The PRESIDING OFFICER. On this vote, the yeas are 43, the nays are 46. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I ask unanimous consent to set aside the pending amendments.

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

AMENDMENT NO. 1580 TO AMENDMENT NO. 1542

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself, Mr. KENNEDY, Mr. DASCHLE, Ms. MIKULSKI, Mrs. CLINTON, Mr. EDWARDS, Mrs. MURRAY, Mr. CORZINE, Mr. BYRD, Mr. REID, Mr. SCHUMER, Mr. LAUTENBERG, Mr. KERRY, Mr. LIEBERMAN, Mr. FEINGOLD, Mr. SARBANES, Mr. DODD, Ms. STABENOW, Mr. LEAHY, Mr. DURBIN, Mr. AKAKA, Mr. DAYTON, Mr. PRYOR, Mr. REED, and Mr. NELSON of Florida, proposes an amendment No. 1580 to amendment No. 1542.

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

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

The amendment is as follows:

On page 23, between lines 15 and 16, insert the following:

SEC. \_\_\_\_ None of the funds provided under this Act shall be used to promulgate or implement any regulation that exempts from the requirements of section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) any employee who is not otherwise exempted pursuant to regulations under section 13 of such Act (29 U.S.C. 213) that were in effect as of September 3, 2003.

Mr. HARKIN. Mr. President, this is an amendment about which I spoke at some length yesterday and the day before on the floor. Others spoke on it also. This is the amendment that would preclude the administration from issuing final proposed regulations that would take away the right of up to 8 million to 10 million Americans to get overtime pay if they work over 40 hours a week.

Just to recap for a minute, earlier this year, sort of under the cover of darkness, without one hearing, the Department of Labor issued proposed regulations to modify the Fair Labor Standards Act that would basically modify, in a very drastic manner, how employers would decide who was covered under overtime law and who was not.

Now, again, this has been in existence since 1938. We have had some changes in it since that time, but none as sweeping as the Administration has proposed this spring and that would result in millions of working Americans losing their overtime pay protection.

The Department of Labor has said this only affects about 644,000 workers. Well, they're only counting the people are currently, routinely work overtime and receive overtime pay. There are about 8 to 10 million people who are qualified to get overtime pay, but they are not working overtime.

Again, if an employer were to ask them to work overtime, then they would get time and a half. Well, this pending regulation would take that away for many workers. And then we'll see their employers require them to work longer hours, without pay.

The first wave of people who will be most affected by this will be working women, women who work on a salary basis, maybe as accountants, working in banks, insurance companies, whatever, women who have children in childcare, daycare centers. Now they are going to be asked to work longer hours with no more pay, but they are going to have to continue to pay more for childcare. This is antiworker. This is antifamily. And its bad economics.

Obviously, if I am an employer, and I don't have to pay overtime pay, and I can work people longer than 40 hours a week, I'm not going to hire new people.

And I will—not today; I know others want to speak this morning—but when we come back next week I will be lay-

ing out in even more detail how it is that American workers are working longer than workers in all other industrialized countries, and now they are being asked to work longer without even being paid for it.

I think this is one of the most crucial issues facing this Congress this year: whether we are going to sit back and let the administration change, sort of by fiat—not by legislation, not through the hearing process and the developing of legislation and the votes here—but just through rules and regulations, to just wipe out—wipe out—the protections 8 to 10 million working Americans have to guarantee that if they have to work over 40 hours a week, they are going to get at least time-and-a-half overtime. Just wipe out the 40-hour work week, that has been law for 65 years now.

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

Mr. HARKIN. Yes, I am delighted to yield to the assistant leader.

Mr. REID. As the Democratic manager of this bill, it has been your intention, has it not, to have this as, if not the most important vote, one of the most important votes in this multibillion dollar bill? I think it is about a \$125 billion bill you and Senator SPECTER are managing. So you consider this a very important vote?

Mr. HARKIN. I say to my friend from Nevada, I consider this—well, we have a lot in the bill for education, but in terms of what we are going to do to protect working Americans, to protect their families, and to ensure their right to get time-and-a-half overtime, this is the key vote.

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

Mr. HARKIN. I am delighted to.

Mr. REID. And it has been a fact that we have presented to the majority since Tuesday of this week the fact we were going to have our four Democratic Presidential aspirants here on Tuesday, and that we wanted to have a vote on this most important amendment on next Tuesday; is that right?

Mr. HARKIN. I say to the leader, yes, that is right. In fact, I was part of a conversation that took place on the floor just last evening regarding that. There were no surprises. The amendment I have offered I actually read into the RECORD yesterday so everyone knew what the amendment was. It has been out there. It is not a very convoluted amendment. It is just a very simple, straightforward amendment. So everyone knew what it was.

Since it is such an important issue, I think we all thought it would be advisable to have as many Senators here as possible to vote on this amendment. Therefore, as I understood it, there was at least some agreement made that we were going to vote next Tuesday on this amendment.

Mr. REID. Mr. President, will the Senator yield for another question?

Mr. HARKIN. Yes, I yield without losing my right to the floor.

Mr. REID. And we also worked very hard, with your staff principally and floor staff generally, to come up with a finite list of amendments Democrats wanted to offer; is that true?

Mr. HARKIN. That is my understanding. I saw the list. I think it was drawn up last night with a finite list of amendments, yes.

Mr. REID. I would finally say to my friend, the distinguished Democratic manager of this bill, the Senator would acknowledge, I am sure, we have been most cooperative in this most important piece of legislation. We have set amendments aside and moved to other amendments for the convenience of Senators.

It is my understanding the manager of this bill now feels so strongly about this overtime amendment, that now this amendment is laid down, and you are not going to agree to set this amendment aside to offer any other amendments; is that true?

Mr. HARKIN. The leader has it correct. I feel so strongly about this, and the fact that we worked with the leadership on the other side and on this side to try to get a finite list of amendments, to get a time certain on Tuesday to vote on this so there would be no surprises to anyone, and then I am told today that has fallen through for some reason. It was not my intention until now, but it is my intention. I have laid down the amendment. There are no more votes today. The leader on that side said there would be no more votes today, that we would have one vote or maybe two on Monday evening, I don't know on what. There are other things up there.

Mr. REID. Will the Senator yield on that issue?

Mr. HARKIN. Yes.

Mr. REID. We had two amendments lined up. We had one or more from the Senator from Louisiana, Ms. LANDRIEU. We had one on Head Start from the Senator from Connecticut, and we had one on libraries from Senator REED of Rhode Island. We had amendments lined up here that would be offered today and we would vote on those Monday.

Mr. HARKIN. But as I understand it, that cannot happen now. So it is my intention, since this is such a vitally important issue—

Mr. SPECTER. Mr. President, will the Senator from Iowa yield?

Mr. HARKIN. In just a second, as soon as I finish my statement.

Since there are no more votes today, and there are only going to be one or two votes on Monday, at the most—I don't know what is lined up—it is my intention that I will object to setting aside my amendment until such time as we have an up-or-down vote on it, which should occur on Tuesday, so there should not be any problem. But I will object to moving off this amendment for any other amendment.

Without losing my right to the floor, I yield to the Senator.

Mr. SPECTER. Mr. President, it is entirely likely the Senator from Iowa

can regain the floor. I would like to make a brief statement.

Mr. HARKIN. I was yielding without losing my right to the floor. I thought you wanted to ask me a question.

Mr. SPECTER. No, I didn't say that, but I agree that you maintain control of the floor.

Mr. HARKIN. Oh, OK.

Mr. SPECTER. And you are just yielding for a brief comment.

Mr. HARKIN. OK.

Mr. SPECTER. Mr. President, the assistant Democratic leader and the distinguished ranking member have been cooperative, I don't think realistically anything above and beyond the call of duty. Senator HARKIN is always cooperative, and so is Senator REID. We have been working on a list for some time and finally got the list late yesterday afternoon. But that was the first time a condition appeared that we would have to set a time certain for an amendment. That is the first time that occurred, and I found it rather surprising.

The Senator from Iowa made reference to an agreement. I don't think there ever had been an agreement as to a time on Tuesday. That would be my preference to accommodate the Democrats. But I think it is not inappropriate to say the calendar, as the Democrats wish it, revolves around the absence of their Members who are running for President, a lofty ambition. It even happened once to Senator HARKIN. It even happened once to me. But the Senate is in session on occasions when the people who run for President are not present.

I can understand your interest in wanting a time certain to have all your Members here. But in regular order, we debate amendments and we vote. In this august body, any Member can tie it up at any time. So that tries to produce comity. I think Senators REID and HARKIN and I have gone a long way to establish comity and try to get the business of the Senate done. I will continue.

There are concerns on this side of the aisle to set a time on that amendment. That is on the substance. There are also a lot of concerns about letting the absentee Democrats set the time. I am prepared to do that because that is the nature of our business here, and Senators do run for the office of President. But it is my hope that as we reflect on this matter over the weekend, cooperation will prevail on all sides, that we try to work to a time which is agreeable to the absentee Senators, that we do ultimately set aside amendments, and that we proceed to take care of the business of the Senate.

I am distressed to know that the amendments which were going to be offered are not now going to be offered. That enables me to return to Pennsylvania a little earlier today. I have a primary campaign in the general election. We are in the election cycle, but this is my day job, and I would be here as late as necessary to finish the work of the Senate.

As far as this week is concerned, on Tuesday we worked 6 hours 45 minutes and had two amendments on which to vote. And we thank the Democrats for offering them. On Wednesday we worked 9 hours 59 minutes, and on Thursday 10 hours 50 minutes. We have only had seven rollcall votes. Two amendments were accepted by voice vote, and we have 92 Democratic amendments and 27 Republican amendments pending. So we have a lot of work to do.

Senator HARKIN and I have worked seamlessly for more than a decade. I expect that to continue into next week. Senator REID has been a master at organizing the Senate. He has spent more time in the Senate Chamber in the last several years than any other Member. I complimented him privately yesterday about his efficiency. I do so publicly today.

I know there are partisan considerations. That is a part of the process. But I hope we can move ahead on Monday to finish this bill and accommodate all of the competing interests.

I thank my colleagues for yielding.

Mr. HARKIN. I say to my friend from Pennsylvania, who has been cooperative, as he said, we have worked together well over a decade. We have always worked these things out to make sure we get a bill through. We will this time also.

My point is that there were at least some conversations last night with leadership on both sides about accommodating schedules and having votes set up on Tuesday.

The fact is that nothing has hindered the progress of this bill because four Democrats are running for President. We have had votes every day. We haven't filibustered anything. We haven't done anything. We have offered our amendments. We have had good debates and discussions, and we have had up-or-down votes. We had two votes today. It was not my decision to have two votes today. I could have had four or five votes today. Someone else above my pay grade made the decision that we would have two votes today and go home.

It was not my decision that on Monday we will have one vote late in the day. Again, the leadership makes those decisions, not I. So Tuesday looks like a day when we will all be here. Everyone is going to be here. That is the day when we can get a lot accomplished.

We are making good progress on this bill. I say to my friend from Pennsylvania and others, when you look at the past, this is a big bill. This bill covers more spending and more Departments and Agencies of the Federal Government than any other bill considered in Congress. In terms of total spending, it is second only to Defense. But it covers a host of Agencies and Departments, more than the Defense Department does.

In the past, in 2001, we had 5 days of floor action on this bill; in 2000, we had 7 days; in 1999, 5 days. In 1998, it was

passed in an omnibus, but in 1997, 9 days. So as you can see, it has always taken 5, 6, 7, 8 days to finish this bill because it covers so many different subjects.

We went on the legislation on Wednesday. Monday was Labor Day. We came in, by agreement of the leadership, with no votes on Tuesday. That was, again, not our decision. That was a leadership decision on the Republican side. So we had Wednesday and Thursday and two votes today. Basically, we have been on the bill, at least voting, really only 2 days. To say we are going to have another couple days or 2 or 3 days on this bill is not exorbitant. It is in line with what we have done in the past.

We would like to finish the bill as quickly as anyone. I think we have been very diligent in bringing up our amendments, offering them, and moving ahead.

Again, I will object to setting aside any other amendment until we vote on this because it is that important. Everyone is going to be here on Tuesday. So we can vote on it on Tuesday, and we can vote on a lot of other things on Tuesday, too, and get a lot of this bill finished on Tuesday when the maximum number of Senators will be here in the Chamber.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I know the Senator from New York is here to make a very important statement.

Let me say this: I appreciate the work of the Senator from Pennsylvania. He has done an outstanding job on this bill, and he and Senator HARKIN have set a pattern for how people should work together on legislation. I recognize it is not Senator SPECTER's decision how we are handling this legislation.

Mr. HARKIN. That is absolutely true.

Mr. REID. We know that. If it were up to Senator SPECTER, we would have the vote on Tuesday at any time we wanted the vote. Someone else is making that decision.

We understand the parliamentary procedure. We know there is a way of getting off the Harkin amendment. They could move to the regular order and move to table Senators BYRD, AKAKA, MIKULSKI, KOHL, KENNEDY, and DODD. But when they get to DEWINE, we are going to offer your amendment as a second-degree amendment. They are not going to figure out in a parliamentary fashion a way to prevent the American people from having a vote on this legislation.

They may pull the bill. This may be a big enough issue for the President of the United States to hurt American workers and help the American business community, as always happens, it seems, with this administration. The people who work, the men and women who work for a living, get it in the rear end. They may want to pull this bill and say we are not going to allow the Congress of the United States to have a

vote on this. If they do that, we know there are other appropriations bills and other issues that come up that maybe this amendment will not be in order, maybe it will not be germane, but we are going to offer it anyway. We are going to continue with this as an issue.

There are cartoons all over the country—I saw one earlier today—making a joke of what the President is trying to do. I saw one that was given to us by the senior Senator from South Carolina that says maybe the point is that they want the American people not have as much leisure time as they have had in the past.

This is by Toles, and this ran in a number of papers around the country. This one is from South Carolina's largest newspaper. It shows a man standing there at his desk. It reads:

In the 1960s, Americans wondered what they'd do with all their free time in the twenty-first century.

The next view reads:

1. Vacationing at sea-floor resort.
2. Eating gourmet meals in pill form.
3. Flying personal car to robot store.
4. Attending spaceball game on Saturn.

The next view shows him with some consternation on his face and reads:

I . . . I just can't decide.

And then the final view reads:

So they have decided for us.

And some little person says to the man at the desk with his head against the computer:

You'll spend your leisure time working a 70-hour week. Without overtime.

Then there is a little man at the bottom who says:

You could take your vacation in pill form.

We believe this is an important issue. Overtime pay has been the law of this land since the 1930s, Federal law. They are going to change it by administrative fiat? I don't think so. They can do a lot of things to stop us, but they can't stop us from talking.

We are going to continue to talk on this until the American people understand what this administration is doing to American men and women. Here it is not subtle; it is just a slap in the face to the American people.

Mr. HARKIN. I thank the assistant Democratic leader for his support and for the support of our working families.

I yield the floor.

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

Mrs. CLINTON. Mr. President, I ask unanimous consent to speak as in morning business for 20 minutes.

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

Mrs. CLINTON. Mr. President, first, I commend my colleagues and leaders, the Senators from Iowa and Nevada, for their heartfelt, eloquent statements on behalf of the rights of Americans to be paid for the work they do. I appreciate greatly that our leader on this bill, the Democratic manager, the Senator from Iowa, has really drawn a line in the sand, because we know we are not creating jobs, we know that more

people have fallen into poverty, and we know that the incomes of more Americans will be cut dramatically if the provision this administration wants to put into effect is allowed to go forward. So I thank them for their very strong commitment.

EPA'S RESPONSE TO THE WORLD TRADE CENTER COLLAPSE

Mr. President, I wish to talk about another very important issue, one that directly affects the people I represent in New York but which I believe affects our entire country and the credibility of this administration and our Government. I am speaking about the report released on August 21 by the Office of the Inspector General of the Environmental Protection Agency entitled "EPA's Response to the World Trade Center Collapse: Challenges, Successes, and Areas for Improvement."

As the title suggests, this report is carefully researched, constructively presented, and it outlines how the EPA carried out its charge in the immediate and longer term aftermath of the terrible attack that struck New York on the infamous day of September 11—now almost 2 years ago. No one will ever forget that day. Those who were there in lower Manhattan will never be able to erase the images—not just the visual images but the feelings, the smells, the sounds, the smoke.

I remember so well being there the day after and seeing the firefighters emerging from the haze that hung over the site, covered in dust and debris; the rescue workers, whom all of us saw, and many of whom I have met, who guided people to safety without a mask or a bit of concern about their own long-term health. I am sure that Americans remember—and New Yorkers lived with—the apartment buildings, the business buildings that were covered in gray dust.

When we turned to our Government in Washington for guidance in the hours, days, and weeks after that tragedy, one of the questions I was asked and I know the EPA was asked, the White House was asked, and the city and the State were asked was: Is the air safe?

What did the EPA tell us? The EPA said: Yes, it is safe. Go back to work, get back to your daily lives.

Mr. President, it is a very hard thing to stand on this Senate floor and say this, but I believe our Government let us down. It wasn't by accident and it wasn't a mistake during the chaos of those terrible days. Instead, as spelled out in this report by the EPA inspector general, it is clear that the EPA was overruled and directed about what to say.

I want to underscore the important fact that this report is not the product of my office, not the product of an advocacy group or an outsider; it was done by the EPA's own career watchdog.

Why do we have inspectors general? Because we know our Government needs somebody to keep track of and

hold accountable for actions that are taken. It is not a Republican or a Democratic job; it is a nonpartisan job. Sort of like Sergeant Friday, they "just want the facts." They want to be able to know what is actually going on in the bowels and processes of these huge bureaucracies that perform so many important functions. But still, like any human institutions, extra eyes are needed on what they are doing.

The inspector general of the EPA looked at the actions EPA took to address the quality of the air affected by the collapse of the World Trade Center and what the EPA told the public about the air we were breathing. The inspector general rightly acknowledges that the EPA, like all of our governmental entities at the Federal, State, and local levels involved with the response to September 11, found themselves dealing with an unprecedented crisis, the scope and nature of which none of us ever imagined.

I admit, and I think it is fair to say, that no part of Government was prepared for the enormity of what occurred on September 11, and that is understandable because of what did happen. So in that spirit, and I think realistically so, the inspector general recognized that the particular demands placed on the EPA were considerable.

I was there day after day, down at Ground Zero in the city, meeting with EPA officials, and I know how stressed they were because of all they were having to contend with. But still, even taking into account the unprecedented nature of the attacks, the implosion of the buildings, releasing into the air billions and billions of particles of all kinds of compounds and chemicals, the EPA inspector general found and asserted that where the Agency could and should have been more thorough, more proactive, more effective in its responsibility, it did not live up to what we should have rightly expected.

We looked to the EPA to give us straight information and help us try to reduce the dangerous emissions in the air from the collapse, from the cleanup and the recovery, and the inspector general looked particularly at the EPA action dealing with monitoring, testing, and cleaning up of indoor air.

I want to make this distinction because I think it is very important. When the towers collapsed, clearly, so much was released into the environment. We could see, as we helicoptered over the site on September 12, the burning fires still. The outdoor air was of particular concern to all of the people—the brave men and women who were on the search and recovery teams, who were beginning to work to remove the debris. But there is another separate and equally important issue, and that is about indoor air, because this blizzard of debris and dust went through windows, went through cracks in buildings, settled on roofs, fell into living quarters and businesses.

As a Senator from New York, I have been particularly concerned about

these air quality issues and the implications for the public's health since September 11. I have worked with other elected officials representing New York and the region. I have worked with our first responders—our firefighters, police officers, and public health professionals. I have worked with residents and workers and businessowners to press for the help and the resources and the information we needed so that the air, both outdoors and indoors, would be clean as fast as possible and that the public's health would be protected as much as possible.

With Senator LIEBERMAN, who was then chair of the Clean Air Subcommittee of the Environment and Public Works Committee, on which I serve with him, we held a field hearing in lower Manhattan in February of 2002 to examine what we thought then were troubling and contradictory messages from the EPA about the quality of air in downtown New York City.

I especially wanted to be sure of the basis for then-Administrator Christy Todd Whitman's statement on September 18, 1 week after the attack, that the air in New York was "safe to breathe."

I pointed out that information from other Government and official sources contradicted that assertion, not to mention the concerns of my constituents who were coming to me asking whether it was safe for them to go back to work, to bring their children home because of what they could feel and smell in the air. Every time I went down there, my eyes burned and my throat burned. It was a palpable feeling that we were in an environment that may not be safe.

I do not think either Senator LIEBERMAN or I at that hearing received a straight answer. I am not sure we ever got a straight answer in the time between September 11, 2001, and August 21, 2003. In fact, we know we did not because the inspector general's report confirms that New Yorkers and others affected were, in fact, misled about the most fundamental issue: whether the air they were breathing, the breaths they took were safe.

I find this deeply disturbing and very disappointing. Let me quote from the report itself. I have excerpts from the report on these two charts.

In the executive summary of the report, the inspector general says in the very first finding:

EPA's early public statements following the collapse of the World Trade Center Towers reassured the public regarding the safety of the air outside the Ground Zero area. However, when EPA made a September 18 announcement that the air was "safe" to breathe, it did not have sufficient data and analyses to make such a blanket statement. At that time, air monitoring data was lacking for several pollutants of concern, including particulate matter and PCBs.

Furthermore, the White House Council on Environmental Quality, influenced, through the collaborative process, the information that the EPA communicated to the public

through its early press releases when it convinced the EPA to add reassuring statements and delete cautionary ones.

The inspector general later on in the report states:

Based on the documentation we reviewed and our discussions with numerous environmental experts, both within and outside the EPA, we do not agree with the Agency's statement of September 18, 2001, that the air was safe to breathe reflected the Agency's best professional advice. In contrast . . . it appeared that the EPA's best professional advice was overruled when relaying information to the public in the weeks immediately following the disaster.

Basically, what the IG is saying is that the EPA did not have the testing data and analyses to make the statements it did, and that the best professional judgment of the EPA experts was influenced by the White House itself.

As examples of where White House officials intervened and what the EPA told the public at the time, the inspector general reports that the White House had the EPA remove recommendations that all area residents obtain professional cleaning of their homes and offices and told the EPA to remove any reference to the increased risks from air pollution for sensitive populations, such as young children and the elderly.

On these charts, I now want to turn to the actual examples that the inspector general includes in the report of where and how the White House evidently—although we do not know this—evidently, through its Council on Environmental Quality, dictated very specific changes to the EPA on what it could and could not say in its press releases to the public.

Here we see in vivid language, to once again use the very words of the inspector general's report, the White House's role in insisting that "the EPA's overriding message was that the public did not need to be concerned about airborne contaminants caused by the World Trade Center collapse."

If we look at these charts, we can see very clearly what was told by the White House to be changed. Here is the draft press release from the EPA, and it reads:

Recent samples of dust gathered by OSHA—

The Occupational Safety and Health Administration—

on Water Street show higher levels of asbestos in EPA tests.

The issued press release after the White House dictated the changes:

The new samples confirm previous reports that ambient air quality meets OSHA standards and consequently is not a cause for public concern. New OSHA data also indicates that indoor air quality in downtown buildings will meet standards.

Draft press release:

Seven debris and dust samples taken Thursday showed levels of asbestos ranging from 2.1 percent to 3.3 percent. EPA views a 1 percent level of asbestos as the definition for asbestos-containing material.

Changed press release at the White House direction:

Debris samples collected outside buildings, on cars, and other surfaces contained small percentages of asbestos, ranging from 2.1 to 3.3—slightly above the 1 percent trigger for defining asbestos material.

These are statements that were added to the press release based on the White House instructions. Here was the instruction from the White House:

Add sentence about OSHA monitors walking the streets yesterday and wearing personal monitors and coming up clean.

Of course, the EPA did what they were told by the White House. This is what they said:

OSHA staff walked through New York's financial district on September 13th, wearing personal air monitors, and collected data on potential asbestos exposure levels. All but two samples contained no asbestos. Two samples contained very low levels of an unknown fiber which is still being analyzed.

Of course, what we know now is that they had not done the analysis. They did not have the data. So, basically, the White House decided they better invent some and put it in the press release so they could create more reassurance than what the facts clearly indicated.

The White House says: Get a quote in from somebody in charge, somebody with some responsibility; put a quote in so you can get people back to work and back to living downtown. So they came up with a quote by a Mr. John L. Henshaw, Assistant Secretary of Labor for OSHA. This is the quote they put in:

Our tests showed that it is safe for New Yorkers to go back to work in New York's financial district.

They just made it up: Might as well tell them it is OK to go back to work; don't put in any cautionary language about children or the elderly, people with preexisting asthmatic, pulmonary, or respiratory conditions. Tell them it is safe.

It is really discouraging, I have to say, to go through this because it is not what any of us expected. It is certainly not what any of us told our constituents and what we were told as we walked these streets and as people asked: Is it OK to go back?

I believe this is the kind of interference by Government altering scientific data, putting happy talk in where mature and accurate information would be better suited, and that does our Government a great disservice.

I conclude with these two final changes: The draft press release that the experts at EPA put out had this caption:

EPA Initiating Emergency Response Activities, Testing Terrorized Sites For Environmental Hazards.

That sounds pretty descriptive. That is what they were doing. That was their job. That is what we expect the EPA to do, to go do the emergency response activities and test for environmental hazards.

This is what the White House said they had to put as the caption:

EPA Initiating Emergency Response Activities, Reassures Public About Environmental Hazards.

We went from testing to reassurance because of changes in words dictated by the White House, not based on data, not based on science.

Then this final example, the draft press release said:

Preliminary results of EPA's sampling activities indicate no or very low levels of asbestos. However, even at low levels, EPA considers asbestos hazardous in this situation and will continue to monitor and sample for elevated levels of asbestos and work with the appropriate officials to ensure awareness and proper handling, transportation and disposal of potentially contaminated debris or materials.

I have no problem with that. That is a very thoughtful, informative statement: Thankfully, our testing shows very low levels at this point but we want to caution people because even very low levels can be dangerous, so we want to tell you what you should do to deal with this dust that is everywhere, that is in your house, that covers everything from your drapes and your rugs to your teapot sets, that is filling the streets and the roofs, so we are going to tell you what we need to do.

Here is what the White House told them to say instead:

EPA is greatly relieved to have learned that there appears to be no significant levels of asbestos dust in the air in New York City, said Administrator Whitman. We are working closely with rescue crews to ensure that all appropriate precautions are taken. We will continue to monitor closely.

Public health concerns about asbestos contamination are primarily related to long-term exposure. Short-term, low-level exposure of the type that might have been produced by the collapse of the World Trade Center buildings is unlikely to cause significant health effects. EPA and OSHA will work closely with rescue and cleanup crews to minimize their potential exposure, but the general public should be very reassured by initial sampling.

Nothing about proper handling, transportation, or disposal.

These are very disturbing revelations. What the EPA wanted to report to the public in their press releases and communication was different from what they did report, and yet all of us relied on those reports.

I have talked to a lot of parents with kids who live downtown. I have talked with a lot of business owners. They asked me whether they should send their children back to the schools when they opened, whether they should go to work when the businesses reopened. Based on both the public information and the private information that I had solicited, I said, yes, from all we know, we think it is safe.

I understand what tremendous challenges these horrible events caused for everyone, but I just cannot come up with any excuse, justification, or rationale for the White House to interfere with the agency in charge of providing accurate and trustworthy information about whether our air indoors and outdoors is safe to breathe. Dic-

tating what the EPA can generally say is inexcusable, but making them misinform the public on such a critical issue is outrageous.

As the inspector general's report clearly points out, the EPA has a clear mandate to communicate honestly and openly with the public about environmental hazards and risks. The reporting even lists the Agency's own seven cardinal rules of risk communication in carrying out these important roles that they have done over the years in dealing with countless situations such as toxic spills and explosions. Those rules were tampered with and the public was misinformed.

On Tuesday, August 26, Senator LIEBERMAN and I wrote to President Bush to convey our serious questions and concerns about what we have learned through the IG report. We asked the President to provide Congress and the public with an account of what took place in the White House that resulted in changing the content and the overall message conveyed by EPA through its press releases. We asked for the identities of the White House officials referred to in the report, who played a role in imposing these changes, for an explanation on why the White House felt compelled to insist on the changes, and copies of the actual communications between the White House and the EPA about the air quality in downtown New York.

We asked for a response by September 5 with the hope of obtaining a full and frank explanation of the sequence described in the report and be assured that the EPA does indeed have the authority and the liberty to communicate accurately with the public on what it knows.

I know the White House did not cooperate with the inspector general report but I hope they would want to get to the bottom of this and learn the lessons that we should not only about the past but going forward. However, I cannot say that I will be surprised if we continue to hear from the administration some of the same excuses that they have been making in response to the IG's report.

In one statement reported a few days ago, former EPA Administrator Whitman said: We did not want to scare people.

White House representatives have said that the edits and changes imposed on the EPA were necessary for national security reasons.

Frankly, this is a canard. The public deserves better. When it comes to our health, the health of our children, the health of our elderly relatives, we need accurate information in a timely manner.

Should we have worn a mask? Should we have gotten more sophisticated respiratory protective gear? Should we have gotten a professional cleaner to clean our apartments before we went back? The public needs to know what the risks are so they can appropriately respond.

To say that national security somehow justifies telling people the air is safe when it is not is to essentially say that people are going to be told that when they need their Government the most at a time of terrible disaster they cannot trust what they hear.

A national crisis does not justify giving people the wrong information and continuing to do so days, weeks, and months after the event.

Would any of us have wanted to worry that the Centers for Disease Control had changed what they were telling us about SARS or the West Nile virus or any other public health incident? Would we ever want to question the FDA about what they tell us when it comes to drugs available in our pharmacies? Should we ever fear the EPA's information about a toxic spill in our community or our own backyard? What the inspector general told us in its August 21 report is that we have to raise these questions now.

What I hope we can achieve from examining this report and seeking answers is that all New Yorkers and Americans will be assured that in the future the EPA and all parts of our Government responsible for communicating to the public about our health and safety will do so honestly and accurately without any political interference.

I have talked about this report and the serious issues it raises with residents who live near Ground Zero. These New Yorkers have been through so much. Many of them were forced into homelessness for months. Many faced devastated neighborhoods when they returned home.

For them, who have lost so much, it is tragic if they lose one more precious thing, namely, their trust in their Government, their faith that they would be given accurate, truthful information they could make judgments on. People made life decisions based on what the EPA told them. Families moved back into the area with their children. Parents sent their children to school. Doctors told their patients not to worry because of what the EPA told them.

To restore any semblance of that trust, we need to get to the bottom of what happened. I hope the administration, led by the White House, will understand that and will help us do what we need to do which is, number one, to find out what the truth was, unvarnished, without any embroidery or reassuring words, just what it was; second, do an analysis of the quality of the indoor air now. These particles, these contaminants stay in rugs, drapes, and air vents. We need to know whether people are living in places right now that are putting their health at risk. Then our Government needs to show good faith by doing what they said they would do, namely, to make sure the indoor air quality was cleaned up. And, perhaps most importantly, we need to restore that trust which has been breached.

I hope the administration will help. These events also require oversight by

the Congress. A number of my colleagues have asked we hold hearings in the Environment and Public Works Committee. I hope we will. I cannot imagine anyone representing any State in this country with so many constituents still coughing, who have acquired severe asthma, who have pulmonary dysfunction, not asking for the very same thing I am asking for, congressional hearings and a full, cooperative relationship with the administration.

I conclude by responding to one of the constant themes I hear from the administration, that they did not want to cause panic, they did not want people to be upset. If New Yorkers had to prove this one more time, they certainly did on September 11th and they did it again in the blackout. These are terrible times that try people, but New Yorkers rise to the occasion no matter what it is. They would have taken accurate information and acted accordingly. They would have done what they needed to do to take precautions for themselves, their children, their friends, their neighbors.

I cannot imagine this idea we did not want to cause people to panic. There are many ways of saying—we saw from the EPA's own language—the truth and then telling people, here are the necessary steps you should take. There is not one firefighter, not one police officer, there is not one construction worker I met who would not have gone out of that pile, would not have tried for days to find survivors, would not have begun to remove the debris, to put the message clearly out to the world and the terrorists that we were not in any way daunted or fearful. Not one. But they might have worn their masks and asked for and demanded better respiratory protection. Instead, the Government says the air is safe.

I have not met one family member or business owner who did not want to go back downtown and rebuild and live their lives again. They would have done it. But maybe instead of cleaning with a wet mop and a wet cloth to try to get rid of asbestos and PCBs, they would have done what the EPA said, go out and get a professional cleaner. But the air was safe.

This in and of itself is a serious, profoundly important issue that has disturbing consequences, particularly when it comes to the trust we should be able to place in our Government, believing they are looking out for our best interests when it comes to health and safety. I hope the administration will respond to my letter, that the Senate will hold hearings, and we will all make it absolutely clear we will not abide misinformation and political interference in something as important as the air we breathe.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 1580

Mr. HARKIN. Mr. President, I know we are still on the Labor, Health and Human Services, Education appropri-

tions, and I wish to speak for a little while on the pending amendment which I have laid down prior to the distinguished Senator from New York speaking. I want to follow up and speak for a little bit longer on that. I know my colleague from Alabama and maybe others are here so I will try to be as succinct as possible, but I did want to, before the weekend came, to again lay out for the Senate and for the Nation why it is so important for us to take action, to stop the implementation of these proposed changes in rules and regulations that deal with overtime pay.

I thought I would take some time now to, number one, respond to some arguments made by the Senator from Wyoming yesterday, Senator ENZI, but also to again give some personal stories of what is happening to people around the country today and how others might be affected with these changes in rules and regulations.

As I have done with the rules and regulations, you can read them. If you want to go to sleep fast, try reading rules and regulations sometimes. That will put you to sleep. It becomes a blur out there as to what all these fancy words and phrases and subparagraph and titles all mean. But when you get through it all, it means people are affected one way or the other, either for good or for ill. It means workers are either supported in their jobs and their family life or they are not.

That is what these changes and rules are about, affecting human beings and their lives and how they live and how they work and what their quality of life is going to be.

Again, a couple of things I want to lay out. One, to lay out what the industry has said about the proposed overtime rule. I also wanted to bring specific examples and then show what has happened to the workforce over the last few years because, as I said earlier, the first wave of people to be hit by this proposed change in rules and regulations, if they go into effect, are working women. I will show why that is so in my comments this morning.

First of all, the Bush administration has said the proposed rules on overtime will not substantially change the exempt and nonexempt status of American workers. They say they merely want to "clarify the current rules."

I believe this is misleading, at best. The proposal will have a sweeping effect on millions of Americans and will unalterably change, will change fundamentally, the basic principle of the 40-hour workweek as we have known it since 1938.

Don't take my word for it. Look at some of the comments from industry. In May 2003, an analysis by Hewitt Associates, which advertises on their Web site as a global human resources outsourcing and consulting firm, says on their Web site their client roster includes more than half of the Fortune 500 companies. Here is their analysis of the proposed rule changes:

These proposed changes likely will open the door for employers to reclassify a large number of previously nonexempt employees as exempt. The resulting effect on compensation and morale could be detrimental as employees previously accustomed to earning in some cases significant amounts of overtime, would suddenly lose their opportunity. That is from Hewitt Associates.

And from the Society for Human Resource Management, which on its Web site says it is "the world's largest association devoted to human resource management." And regarding the proposed overtime changes, the society said:

This is going to affect every workplace, every employee, every profession.

So, again, whether we hear from the administration, from the Department of Labor, that this is simply a clarification, these are simple little clarifications. Meanwhile, the main human resource management association and a human resource consultant for Fortune 500 companies say this is big stuff. It is going to affect every workplace, employee, every profession, according to the Society for Human Resource Management.

This same Society for Human Resource Management said the proposed rule is not clearer than current regulations. Deron Zeppelin told the Chicago Tribune:

It looks like they're just moving from one ambiguity to the next.

Again, as I said, according to the Chicago Tribune:

The Labor and Department's [Wage and Hour Administrator Tammy] McCutchen predicts a deluge of lawsuits as employees and employers press for clarifications once the new rules go into effect.

I thought we wanted to reduce the number of lawsuits. My friend from Wyoming argued that we have all these lawsuits out there right now. But this is going to open the door for even more lawsuits. The reason we are having lawsuits out there now is because employers are already violating the Fair Labor Standards Act, in terms of the 40-hour workweek. I will refer to that more later.

The Chamber of Commerce said, on the proposed rule, in their formal comments:

We support raising the minimum compensation necessary to qualify as an exempt employee provided that such change is made in conjunction with significant reforms of the duties and salary basis test.

Understand what they are saying. They are saying we can raise the minimum compensation, that is fine, but not unless we have significant reforms of the duties and salary basis test—significant; not minor, not simple clarification but significant reforms.

The American Corporate Council Association, and I am quoting from their statement:

... also supports other aspects of the present draft, including creating a new computer employee exemption; eliminating discretion and independent judgment test as a criterion of the professional exemption;

eliminating the primary and nonprimary duties criterion of the administrative exemption; and the changes made to the outside sales exemption.

For the uninitiated, in all this fancy jargon, what the American Corporate Council Association says is that they want a major exemption for computer technicians from overtime protections. They also want to really relax the current "duties" test to be exempt from overtime to incorporate more workers in the overtime exemption.

These are big changes, sweeping changes in who would get overtime pay and who would not.

Last, the National Association of Manufacturers said, on eliminating the academic study requirement for the professional exemption—right now it is generally based on 4 years of college. If you have 4 years of college that is sort of the first hurdle that you would be exempt as a professional employee. It doesn't necessarily mean you are exempt, but its one of the key requirements to be exempt. The proposed rule changes all that. It just says you can replace that academic requirement with work experience or training. I get it, you do the exact same job for a couple of years—let's say, nursing—so you go from getting overtime to being reclassified as a professional from all of that experience—and you no longer receive overtime pay although you're doing the exact same job. Well, the National Association of Manufacturers appears to think that's a great idea. They applauded the Labor Department for including this alternative means of establishing that an employee has the knowledge required for the exemption to apply.

Again, what does that mean? You don't need 4 years of college. You could have on-the-job training, a high school degree and, bang, all of a sudden you are a professional, and they can say you are exempt.

So when you hear people say these are minor changes, they are not minor at all. That is why 8 to 10 million people are going to be affected by this.

Again, there is the argument that we need to update these rules. I am all for updating them. The Senator from Wyoming spoke the other day about some of the occupations that are still listed. I think one of them was straw man—I forget what some of the others were. Oh, a leg man and a straw man and all that—fine. If they want to tweak the regulations to get rid of those jobs that no longer exist, fine by me. But don't take overtime pay protection from those workers, those jobs that currently have it.

The fact is, the Department has revised overtime regulations several times since 1938 just because, obviously, jobs change. Some of the things they covered before don't exist. Obviously a straw man, whoever that was, or a leg man, whatever that was, doesn't exist anymore. If they want to do away with that or change that, that is fine. But that is not what they are

doing. So if they want to update them to match current occupations, that is fine. If the administration had done that, that would have been OK. But they went far beyond that.

I have just a few other brief things. The Senator from Wyoming said the other day the amendment I offered would not allow the Department of Labor to review the 78,000 comments they got in. That is simply not true. My amendment says they can't promulgate these rules and regulations. They can have the comments, they can look at them, they just can't issue a rule that would take away the present overtime protection that workers now have. That is all my amendment does.

And he said my amendment would block an increase in the income threshold for low-income workers. Again, that's just not true. My amendment specifically only prohibits implementing a rule that would take overtime pay protection to those millions of workers who currently have it. We would support new rules to increase overtime pay protection for workers.

Then the Senator from Wyoming said the union contracts protect overtime. That is true, union contracts do. But union contracts right now only cover 13 percent of the workforce in America. What about the other 77 percent who are not covered? And right now when a union goes out and the contracts expire, overtime is not an issue. Why? Because the law says they have to pay overtime.

So when the contract comes up, that isn't even an area for negotiation because the law says they have to pay them overtime over 40 hours. Now with these proposed changes in rules and regulations, every time a union contract expires, that is a negotiable item. We have to negotiate for whether or not they will get paid overtime. That means they will have to give up something else in order to get overtime.

There is something floating around about first responders, nurses and such, and that somehow that wouldn't be changed. But we have been through these rules and regulations. There is no exemption. There is no carve-out for policemen, for firemen, and first responders. Not one thing in this carves them out. I have heard it said that the administration said sort of quietly that maybe they will not include this. I don't see that anywhere.

Lastly, it has been said that wage and hour cases now exceed discrimination suits. Well, I wonder which. Maybe it is because a lot of employers are now basically violating the Fair Labor Standards Act because they can get away with it.

For example, Wal-Mart, the largest retailer, is facing 37 lawsuits in 29 States from employees alleging they were illegally forced to work extra hours to meet corporate productivity demands—not 1 but 37 lawsuits in 29 States.

In fact, in December, a Federal jury in Portland, OR, found Wal-Mart guilty

of asking workers to clock out and then to return to work unpaid. A Federal jury found them guilty of doing that. Workers clocked out and then they had to come back and work overtime without getting paid.

About 270 insurance claims adjusters have filed here in U.S. District Court in Washington, DC, alleging that their employer, GEICO Insurance, broke the law by improperly classifying workers as exempt from overtime pay.

Again, maybe it doesn't surprise me that wage and hour cases are now exceeding discrimination cases.

The proposed rules and regulations would make this legal and say to Wal-Mart you are off the hook. All these lawsuits would just fall by the wayside because of a change of law, and they could exempt these people. They are big changes.

I said earlier that the first wave of people who would be hit by this would be working women. I want to show you what I mean by that.

This chart shows basically what is happening in the workforce in America—from 1948 to 2002. As you can see, the labor force participation rates for men and women have steadily declined. Look at what has happened with women—going from slightly over 30 percent to a little over 60 percent of the workforce in that period of time. More and more women have entered the workforce over that period of time.

Here are some other statistics.

In 1975, 44.9 percent of women with children were in the labor force in 1975. In 2001, 70.8 percent of women with children were in the labor force. In 1975, 30.8 percent of the women who worked had children under the age of 2.

Today, 58 percent of the women in the workforce have children under the age of 2.

Here are two more statistics.

Twenty-eight percent of working mothers work nights or on weekends. Forty percent of working mothers work different schedules than their spouses.

What that adds up to is families are working longer and longer, and they are taking time away from their families to make ends meet. This chart shows the average weeks worked per year by middle-income families with children.

In 1969, the average family with children worked 78.2 weeks per year. We know there are 52 weeks in the year. That means that perhaps someone worked 40 or 52 weeks, and someone had a part-time job and they worked maybe 28 weeks during the year in 1969. In 2000, the weeks worked by the average middle-income family with children was 97.9 weeks per year.

Where is that coming from? It is coming from the women in the workforce who are working longer hours, working nights, and working weekends. They are the first ones who are going to be hit by these changes in overtime laws. Many of these women are working as secretaries, as claims adjusters,

as nurses, bookkeepers, social workers and paralegals. They are salaried. They work in insurance companies and banks. Right now, if they work over 40 hours, they are paid overtime. Under these changes, their employers can legally take away their overtime.

Let me give a couple of examples of people who would be affected by these changes.

Here is Michael Farrar who works at the NAV/AIR depot in Jacksonville, FL. He is a cost estimator at the NAV/AIR depot who specializes in aircraft engine and component production and repair. If he loses his right to overtime pay, he will be paid straight time for any hours over 40 per week.

He says:

If I don't get my overtime, it will be hard to exist.

He and his wife rely on overtime pay to support their 21-year-old disabled son who lives with them.

He says:

When I took this job, it was clear that I was supposed to work more than 40 hours a week, and I agreed to that because I knew I would need the money. We would be devastated without the overtime. We have no more corners to cut.

Let us not go back 40 years with these proposed Bush regulations. Let us go forward and pay people what they deserve.

Here is Susan Moore, a planning coordinator from the Chicago Park and Planning District, a member of the International Federation of Professional and Technical Engineers.

She says:

I am currently entitled to time and a half under Federal law. I know for a fact that that is the reason I am not required to work long hours like the project managers who are not entitled to overtime pay. My supervisor has to think hard about whether to assign overtime to me because he has to pay for my time. That means more time for my family and that time is important to me. If the law changes and I lose my right to overtime pay, I will be faced with the imposing choice of losing time with my family, or losing my job.

Mrs. BOXER. Mr. President, will the Senator yield for a question?

Mr. HARKIN. Yes. I would be glad to yield to my friend from California.

Mrs. BOXER. I thank the Senator so much.

I have been trying to thank the Senator for a couple of days now, but it has been hard to get a moment. I am so glad I have this moment to thank him so much for giving us an opportunity here in the Senate to stand up for working families.

I want to read just one letter I received from a woman in my State and ask the Senator to comment because his point is so right.

This Bush administration rule, which would take away the pay from hard-working people, is an attack on America's families. What is so interesting to me is, when I think back after 9/11 and the President going to Ground Zero and standing with his arms around firefighters and saying, "These are the he-

roes," the firefighters are the ones who are going to be hurt by this change. The safety workers are going to be hurt.

I want to read a letter, and I want to ask you to please comment. Celine Krimston, the wife of a firefighter from La Mesa, wrote:

We are a family of four. Our children are four months and five years of age. I work full time outside of the home to make ends meet for our family. My husband's firefighter income is not enough to support a family of four, yet too high to receive any type of subsidy. Without the overtime pay we would actually be deemed low income and qualify for subsidized childcare. Our nation should be ashamed!

Please support America's working families by voting against the Bush administration's proposal to cut overtime.

So all I want to do today, in this brief interlude, if you will, is to thank you. These working people—who barely have time for their kids, who are struggling to make ends meet, to put food on the table, to pay the rent or the mortgage, to give their family a modicum of security—are under attack by this Bush rule.

I want you to comment on this, if this does not reflect the comments you are hearing as our leader on this issue?

Did it not strike you—let's just use the word in an ironic way—when President Bush stood, on Labor Day, with a group of working people and talked about how much he understood that they were going through hard times and how important it was for them to get jobs? By the way, we have lost more jobs now than ever in history since Herbert Hoover, since the Great Depression.

But while he is doing this missionary work and trying to tell working people how he is going to get them jobs, he is also going behind their back and cutting their pay with this rule.

I wonder if my friend would comment on those two issues: The irony of this hitting our firefighters, our first responders, and also the fact that at a Labor Day event the President was saying how he understands working people, and then putting this provision in, which is such a disaster for our people.

Mr. HARKIN. I thank the Senator from California for her observations and her questions. I again thank my colleague from California for her many years of working so hard on behalf of our working families. There is no one who has worked harder and longer and fought more diligently for the rights of working families, working men, working women, in this country than Senator BOXER of California.

I say to the Senator, I am proud to have you on our side in this fight, too, because it is a fight for justice. It is a fight just to make sure people are treated decently as human beings.

I guess in my fondest, perhaps, hopes, maybe President Bush didn't even know about this, and this was going on underneath him. Maybe through our debates here he will find out about it

and say: What is happening? Who is doing this on my watch? Well, the buck does stop at the President's desk. Maybe he doesn't even know this is going on but the people he has hired underneath him are implementing this. So maybe our debate will enlighten the President. Maybe some word will get to him and he will say, "What is going on?" and he will become alarmed at what people under him are doing, and perhaps he will put a stop to it. That would be my fondest wish.

Mrs. BOXER. Will my friend yield?

Mr. HARKIN. Yes, without losing my right to the floor.

Mrs. BOXER. I would hope your wish comes true, but I understand we received a message that he would veto this bill with this in it. Let's hope he knows that letter came over here because, frankly, if he doesn't know it, he is not doing his job. So I have to assume he knows it. That is my own view, not that I want to ruin your day.

Mr. HARKIN. Well, no, as I say, hope springs eternal. I was hoping maybe the President might learn about this. We did get this veto message from the White House.

I say to the Senator from California, this is mind-boggling. Here is an appropriations bill that funds all education, all health care, all research at the National Institutes of Health—on breast cancer, on emphysema, on diabetes; all this wonderful research done to help people live their lives better—Head Start Programs, job training programs, and he is going to veto the whole thing if we stop these rules and regulations from going through that takes away overtime. To me this is mind-boggling.

Again, I hope it is his underlings doing this, and maybe he doesn't know about it yet, and maybe he will learn about it. I hope he will learn about it. Maybe he will tell his people to stop this nonsense.

Mrs. BOXER. Maybe he will take back that letter he sent us.

Mr. HARKIN. I hope he would take that letter back and say he wouldn't. The idea of having a veto threat out there, to veto this entire bill, if the Senate works its will and says: No, we are not going to let these rules and regulations come into effect, this almost borders on the bizarre that something like this would happen.

I thank the Senator.

I see my great leader. Again, talk about a fighter for working families in America, there is no one, including me and the Senator from California, who has fought harder and longer for working families than the Senator from West Virginia.

Mr. BYRD. Will the Senator yield?

Mr. HARKIN. I yield.

Mr. BYRD. My friend, you are living in a dream world if for a moment you think this President doesn't know what he is doing. You are living in a dream world. I hope to be with you in your dreams at some point.

Mr. HARKIN. As I said, hope springs eternal. And I always believe in redemption. The hope for redemption is

always there, that the wayward will come home and find the true path. And I hope the President will sit down and think about this and understand what is happening on his watch with regard to this issue.

So I appreciate what my friend from West Virginia has said. I would hope this would happen. But again, we can't go on hope around here. We have to go on what reality is. And the reality is, the Department of Labor, under this administration, has promulgated these proposed changes in overtime. They will go into effect unless we take this action. That is the real world we live in. That is why I have offered this amendment. And that is why I feel so strongly about it.

Oh, there are maybe a few things that each of us gets interested in and gets involved in because we feel deeply about them. One of the issues I always get involved in and for which I take the floor is to make sure we expand and promote opportunities for people with disabilities in our country. This goes back to when I was the chief sponsor of the Americans With Disabilities Act. So this is another area in which I always keep a close watch and find out what the administration and the Supreme Court and others are doing to cut down on the rights of people with disabilities. That is one area.

Another area I feel so strongly about is our working families, working people who don't have a lot of say-so over their jobs. They go to work every day. They do what their bosses tell them. They put in extra effort and extra energy. A lot of times they don't get paid overtime for that extra few minutes every day, that extra effort. But if they are asked to work overtime, they should get paid. If they are taking time away from their families to work overtime, they ought to be justly compensated for it. That is why I feel so strongly about this.

I couldn't say it any better than Sheila Perez of Bremerton, WA. Here is what she said:

I began my career as a supply clerk earning \$3.10/hr in 1976. I recognized early in my federal career that in order for me as a working single parent to support my family, I needed to find more lucrative employment. I entered an upward mobility program and received training to become an engineer technician with a career ladder that gave me a yearly boost in income. It seemed though that even with a decent raise each year, I really relied on overtime income to help make ends meet. There are many more single parents today with the same problem. How does one pay for the car that broke down or the braces for the children's teeth? Overtime income has been a lifesaver to many of us. When I as a working mother leave my 8-hour/day job and go home, my second shift begins. There is dinner to cook, dishes to wash, laundry, and all the other housework that must be done which adds another 3 to 4 hours to your workday. When one has to put in extra hours at work, it takes away from the time needed to take care of our personal needs. It seems only fair that one should be compensated for that extra effort. Overtime is a sacrifice of one's time, energy, and physical and mental well-

being. Compensation should be commensurate in the form of premium pay as it is a premium of one's personal time, energy, and expertise that is being used.

That is a great sentence that Sheila writes:

Compensation should be commensurate in the form of premium pay as it is a premium of one's personal time, energy, and expertise that is being used. It has been a crime that many engineers and technicians were paid less than even their straight time for overtime worked. It has never made sense to me that the hours I work past my normal eight are of lesser value, when those additional hours are at a cost of my personal time.

Sheila Perez from Bremerton, WA. I could not say it any better. That is what this fight is all about. It is about people who get up and go to work every day. They pull their load, pay their taxes. They are good citizens. They raise their families. They want to spend time with their families. If they are being asked to work overtime, as Sheila said, that is premium time. That is personal time. That is family time. They ought to be paid for it. They ought to be paid time and a half for it.

What these proposed changes would mean is that Sheila Perez could be asked to work over 40 hours a week and not get paid one penny more than what she is being paid right now. She would not be paid anything more if she were on a salaried basis. It is sort of free time.

That is why I said the other day, not only is this President and this administration shipping jobs out of the country, they are now importing into this country Third World labor standards: work 60 hours a week, no overtime, no commensurate pay.

We will have another issue on pensions where they are trying to change the pension program, take away the rightful pensions which people have earned, privatize Social Security, privatize Medicare. It doesn't sound like the America I grew up in and the America that built a strong and viable middle class.

Right now American workers work longer per year than workers in any industrialized country. The International Labor Organization found that American workers put in an average of 1,825 hours a year, average. In Europe, French workers have an average of 1,545 hours per year; German workers, 1,444 hours per year. So we are already working longer. Now they want us to work longer without any pay. That is why I have said this is antiworker. It is antifamily to change these rules and regulations as they want.

I have had my say. I know others want to speak. I ask unanimous consent to add Senator JOHNSON as a co-sponsor of my amendment.

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

Mr. HARKIN. I will have more to say about this next week. I hope we will vote on this up or down when next Tuesday comes. But I hope the American people get the word about what is

happening. These proposed rules came out without one public hearing, not one. There still haven't been any public hearings. Why don't they go to Dallas, TX, or Des Moines, IA? Why don't they go to Detroit or Los Angeles? Why don't they go to West Virginia, have public hearings and listen to what people might have to say about this? No, they just want to ram them through without any public hearings.

This is our public hearing. This is the public's house, the Senate and the House of Representatives. Here, as we once said, the people rule. Here we are supposed to do the work of the people, not the special interests. The American people want us to fight for them and for their rights, to support them in the workplace and to support their families. That is what this fight is about—nothing more, nothing less. That is why this Senate needs to speak, and we need to vote early next week to say no to the Bush administration's proposed changes in overtime rules and regulations.

I yield the floor.

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

Mr. BYRD. Mr. President, I thank the distinguished Senator from Iowa for his position on this matter, for his words today on this subject. I will always remember Senator TOM HARKIN for standing up for the working people of this country. Through the years that I served with him, he has never deviated from that course. He has never veered from that course: standing up for working people, the common people, the men and women of America who work with their hands, who get their hands dirty, whose hands show the horns of toil and working. I will never forget him for that. He has always been that way.

I think he has a streak of that coal miner in him. He doesn't want to go back to the 1930s. What would have happened to me in the 1930s? I was married in 1937. I worked as a produce boy. I don't mind being called boy.

I was a produce boy in a company store in the mining camp where my foster father was a coal miner, where my wife's father was a coal miner. I was a produce boy, produce salesman. I got out on some Sunday afternoons.

I am a Baptist. I was a man who revered the Bible long before George Bush ever got to this place. When he was running around in knee pants, I believed in the old time religion. I wasn't a Christian to the left or to the right. I believed in the old time religion that comes from the King James version of the Bible. If you want to stir up the churches, take me. We will sing "Amazing Grace." We will get them out into the aisles, those who are not afraid to say: Amen, amen. So he speaks the language of the working poor. No, he is not mistaken about President Bush. I respect President Bush. He is President of the United States, but he came from the other side

of the tracks. He didn't come from the side of the tracks I came from, or where the Senator from Iowa, I would venture, came from. I didn't come from the corporate boardrooms of this country.

I came from the coal camps. I lived during those days the Senator is talking about, back in the 1930s. I worked 6 days a week. I was glad to have a job. I remember when I was making \$70 a month working in a butcher shop. I was a butcher. I was a produce boy. Yes, we worked long hours. We didn't get paid time and a half when I was in the butcher shops in southern West Virginia, but we were glad to have a job. I made \$70 a month. Imagine living on \$70 a month. Of course, things were cheaper then. But we didn't get time and a half. We had to work whatever time was required to hold our jobs.

My dad had to clean up his "place" back in the coal mines. They would shoot down the slate and the coal, and he was expected to clean that up before he went home. He was glad to have a job. There was always someone else there waiting on his job. If he didn't want to clean up the place, somebody was waiting to take his job.

I thank Senator HARKIN for his leadership, and count me as one who stands with him.

IRAQ

Mr. President, after a dismal summer of watching the situation in Iraq spiraling from bad to worse, the White House appears to have finally—finally—acknowledged what many of us have understood from the beginning. It is going to take huge amounts of money—your money; aha, they like to talk about that term "your money"—it is going to take large amounts of your money, a long-term commitment, and substantial help from the international community to restore order to Iraq.

After stiff-arming—I will say that again—after stiff-arming the United Nations for its refusal to rubberstamp the administration's war plans for Iraq, and alienating some of our staunchest allies in the process, the White House—hear me down there—has finally acquiesced to seeking a new resolution that potentially would give the United Nations a vital role in postwar Iraq that the President once pledged.

I only hope this change of heart on the President's part is not a lesson too late for the learning. The United States has squandered on Iraq so much of the international good will that followed the September 11 terrorist attacks that it may be impossible to regain all the ground that has been lost.

It is particularly ironic that the administration's decision to seek a new resolution to win international support from the United Nations comes almost exactly 1 year after the President sternly warned the United Nations that it faced becoming irrelevant if it failed to support the United States on Iraq. How far off the mark that assessment turned out to be. How far off the mark. Instead of being irrelevant, the United

Nations has emerged as America's best and possibly only hope to win desperately needed international support for the postwar mission in Iraq.

It is deeply ironic that the administration is seeking an estimated \$60 billion to \$70 billion in additional funding for Iraq from the American taxpayers—your money, I say—at a time when the Senate is debating adding a fraction of that amount to an appropriations bill to provide critical funding, funding that the President himself pledged to provide in his No Child Left Behind initiative for schoolchildren in poor school districts.

Earlier this week, I offered an amendment to the Labor, Health and Human Services, and Education appropriations bill that would add \$6.1 billion for title I education programs to fully fund the money Congress authorized for fiscal year 2004 in the No Child Left Behind Act. This is money—your money—I like that term "your money." Yes, it is your money that Congress promised to provide. It is your money that our schools desperately need.

Unfortunately, I fear I am fighting an uphill battle to win the passage of my amendment. It is going to take 60 votes on that amendment. I fear I am fighting an uphill battle. Opponents of the amendment have already staked out their positions, complaining that we cannot afford the additional funding, that the amendment will add \$6 billion to the deficit, and that we are already doing plenty for education.

We will never do enough for education. I am not one who believes in throwing money at education. No, not I. I came from a two-room schoolhouse back in the hills of West Virginia. Yes, I know about the Baby Ray Primer. Yes, I studied by the old oil lamp. I memorized my history lessons. I knew about Nathaniel Green, about Hamilton, and Madison. Those were my heroes when I was a boy. I got my heroes out of the history books. The history book that I read was Muzzey. There weren't many pictures in my history book. There was substance there. I memorized my history lesson. That was good for me. We didn't have all the frills and so on that we have today.

So don't count me in to just throw money at education. I don't believe in that. But this is \$6 billion that Congress promised and that the President said he needed. He was for the No Child Left Behind act. Well, let's mean what we say. Let's get behind our words.

I don't believe and I don't buy any of the arguments used against my amendment. I wonder how the Senators who object to the cost of my amendment will view the President's request to add \$60 billion, \$65 billion, or \$70 billion to the deficit to fund military and reconstruction activities in Iraq. I wonder if those same Senators will be comfortable voting to support a massive spending program for Iraq if they cannot bring themselves to support a comparatively meager increase in edu-

cation funding for American schoolchildren.

I intend to speak at greater length on my education amendment at a later time, but I urge my colleagues to begin reflecting on what kind of signal we will be sending to the American families if we shortchange education funding by \$6 billion one day and approve 10 times that amount for Iraq the next.

Make no mistake about it, Congress had little choice but to provide some level of additional funding for military and reconstruction activities in Iraq. Oh, yes, we now want the help of those whom we strong-armed. They were not going to be relevant. They are very relevant today when we need them. We bulldozed our way into that country, into Iraq, almost single-handedly, over the objections of most of the international community. They saw us as a bully. Now we are paying the price for our unmitigated arrogance.

With the exception of the help we have received from the British, we have gotten almost no monetary assistance and precious little military assistance from other nations to assist with our operations in Iraq. It was a war that we should never have fought. The U.N. inspectors were in that country, and they were finding weapons. Weapons were being destroyed. We did not need to send our men to invade another nation that had not attacked us. And all of the claims that this was a nation that posed an imminent danger to our country? How foolish we were to accept that idea.

I said at the time there is no such imminent danger to us. I said it then. So I come with some credibility when I say it today. No, it was not a just war. Think of the boys, think of the men and women who have had to go to Iraq in the hot Sun and sweltering weather and be away from their homes; the Guard men and women and the reservists who have had to go there. Some have perished. Say to their mothers and fathers that it was a just war. Say it to them. No. And they could not even lift a plane against our forces.

Where was the imminent threat to our security? Where are the weapons of mass destruction? We were led down the primrose path by the leadership of this country: Oh, it was an imminent danger. Our security was in danger. It was urgent that we invade another nation that had not invaded ours, that had not attacked our Nation in pursuance of the doctrine of preemption. That got us into Iraq.

I did not fall for that stuff. I did not vote for it and so said at the time that this country was not in imminent danger, that our national security was not being threatened.

Never before had we invaded another country when we had never been attacked. A major war—the American people have had to pay for that, and there are some people in this country who have had to pay it with their sons and daughters and husbands. When are they going to come home?

We have stiff-armed some of our most staunch allies through the years. We gave them backhand slaps. We criticized them because they would not follow us into Iraq because their constituencies did not agree with us. Yet we expected them to follow us. They did not see it as a war in which we were being placed in imminent danger. They did not see it. They did not see it with respect to their own countries. They had to follow their constituencies' feelings, and yet we had a good deal to say about them that today we probably wish we had not said.

The polls released by the Pew Research Center on March 18, the day before the war began, showed that opposition to a war in Iraq was at 69 percent in Germany; 75 percent in France; 86 percent in Turkey; and 87 percent in Russia. And yet the White House scoffed at this opposition and belittled the need to unify the world in confronting Saddam Hussein.

Could it be that we are now paying the price for the administration's bull-headed rush to war without the broad and active support of the international community? We have perhaps a chance to mend the fences and garner more support from the United Nations if the United States can swallow, if this administration can swallow its false pride and come up with a new resolution that cedes a meaningful role in the reconstruction of Iraq to the international community.

Perhaps we also have a chance to attract some serious monetary contributions from the international community, but I doubt we will begin to approach the level of support that we have received from other nations during the first gulf war. Nevertheless, we must keep trying, we must keep returning to the United Nations because that is an important, if not long overdue, first step.

Moreover, Congress and the American people must insist on a full accounting from the administration of the dollars it is requesting for Iraq. The fact that we are faced with staggering demands in Iraq does not mean Congress should feel compelled to hand the administration a blank check and we should not be afraid to ask questions. It is not unpatriotic to ask questions. After all, it is your money out there, as I look into those television lenses.

Lack of careful planning on the part of the administration for postwar Iraq helped to get us into our current difficulties, and we cannot afford to repeat our mistakes. Oh, they were in a hurry. They were impatient. They talk today about the need for patience. The administration was not very patient when it wanted to take this Nation into war.

Just 5 months ago, Congress provided \$78.5 billion in funds—your money—for military and reconstruction activities in Iraq and Afghanistan. Now we are learning that we will need far more money—your money—for Iraq far soon-

er than the administration either anticipated or admitted.

We need to demand the details before we approve any more money for Iraq. We should require the President to submit a detailed budget request for the \$60 billion to \$70 billion he is seeking in supplemental funding for Iraq, and the Appropriations Committees of both Houses should hold hearings on that request.

We could not get straight answers from the administration on the expected cost or duration of the Iraq operation prior to the war. We could not get the information we needed the first time around. We cannot afford to settle for evasions this time around.

The supplemental funding request that the President is expected to send to Congress in the next few weeks gives us an opportunity to get some answers to some of the most pressing questions involving our occupation of Iraq. We had no business getting into that war. We had no business invading another country that had not attacked us. The so-called imminent threat to our security was not there.

What is our postwar strategy for Iraq? What are we doing to improve the security situation in Baghdad and other key cities? What have we accomplished in terms of restoring the electricity, the drinking water, and other basic services to the Iraqi citizens?

What kind of timetable are we facing? Do we have any kind of exit strategy? Who is making the decisions? By far, the greatest monetary cost in Iraq is the cost of the military occupation. Of the \$60 billion to \$70 billion President Bush is expected to request, all but \$10 billion or so is earmarked for the Defense Department. The current cost of military operations in Iraq is \$3.9 billion a month—\$1 billion a week. That is your money.

With massive Federal budget deficits staring us in the face, how long can we sustain that level of spending in Iraq? Do we have any realistic expectation that other countries will help to offset that cost? Even if we manage to get another U.N. resolution, who is going to help us in Iraq, and how will they help us? These are extremely important questions. Somebody ought to be asking them.

The American people are not here to ask them. The young people of this country are not here to ask them. The young people, young high school children and college students who are going to pay the interest on these deficits we are running cannot be here to ask the questions.

We have a duty to ask the questions. These are important questions. Congress and the American people need to know the answers before committing more resources to Iraq. Congress should put the White House on notice now that it will require a full explanation and a rigorous justification of the budget request before voting on it.

The President said several weeks ago major operations in Iraq have ended. Have they?

In the meantime, Congress has other pressing matters on its plate. Next week the Senate will consider whether to fully fund a critical education program for our neediest school children. I was one of those children once upon a time. I was a disadvantaged child. So were just about all of the other children in my mining town. So I try to see myself as one in that class. The bottom rungs on my ladder of life were gone also.

I hope we will treat this issue and my amendment with the same sense of urgency and importance the President expects us to treat the supplemental budget request for Iraq. It is important. We will have to treat that budget request as a matter of urgency. It will face us. But there is no issue more important to the future of our country than the education of our children.

I am reminded of Benjamin Disraeli in the English Parliament who said in 1874: Upon the education of the people of this country, the future of this country depends.

Look it up. 1874. That was the year before my foster father was born. Benjamin Disraeli said in the English Parliament: Upon the education of the people of this country, the future of this country depends.

We can say that here: Upon the education of the people of this country, the future of this country—the USA, God bless America—but upon the education of the people of America, the future of America depends. So there is no issue more important to the future of our country than the education of our children.

I took a piece of plastic clay  
And idly fashioned it one day  
And as my fingers pressed it still  
It moved and yielded to my will.  
I came again when days were past.  
The bit of clay was hard at last.  
The form I gave it, it still bore,  
And I could change that form no more.  
I took a piece of living clay  
And gently formed it day by day.  
And molded it with my power and art  
A young child's soft and yielding heart.  
I came again when years were gone.  
He was a man I looked upon.  
He still that early impress wore,  
And I could change him nevermore.

We have in our hands a piece of clay. On this issue especially I hope the Senate will put aside partisanship and vote to fully fund the No Child Left Behind Act.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for up to 10 minutes.

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

#### PRESCRIPTION DRUGS AND MEDICARE

Mr. SESSIONS. Mr. President, at this time the conferees of the Senate and House are meeting with regard to the prescription drug bill and the Medicare reform that is part of that bill. I know the Presiding Officer represents

the State of Texas, and having worked with some of the issues I am going to address, I think no State would benefit more from the reforms I will be talking about than the State of Texas.

What most Americans do not know is when a person goes to a hospital for surgery, for example—and over half the people who go to the hospital for surgeries in America today—their health care is paid for by Medicare, senior citizens on Medicaid, low-income people, is paid for predominantly by the Federal Government. There are formulas that decide how the hospitals and providers get paid for doing the services they provide. The net result, and the way the system is working today, there is a very substantial difference in how much a hospital in Alabama or Texas would get paid compared to a hospital in a State with a high wage index.

Of course, within States there are differences. Even within a State, at hospitals a few miles from one another, one hospital is paid substantially more for a gallbladder operation, for heart surgery, for a mastectomy, or many other surgeries. The system is out of control. It is unjust and it is unfair.

The driving factor behind it is the formula called the wage index. Unfortunately, when determining how much Medicare pays for a hospital to perform a medical procedure, 71.4 percent of that formula is determined by the wage index—how much they say salaries will be in that hospital, in that region. One expert's independent study says the real percentage should be 56 percent. The CMS, the Federal agency that handles this, admits it ought to be 62 percent, not 71 percent, of the allocation of money based on wage index.

This bill fixes that. This bill has the wage index at only 62 percent—not as low as I think it should go—but 62 percent of the formula to determine how much they should be paid. This will narrow the disparity somewhat, not enough, but it is a very significant first step.

Currently, we are rewarding the rich. In this system, the rich are getting richer and the poor are getting poorer. For example, there is a hospital that comes out with the low wage index. They receive less money per surgery than a hospital in a larger city down the road. What do they have to do? They have to cut costs. So maybe they reduce the number of RNs, maybe they reduce the salaries of their hospital workers and nurses, or a number of things to cut costs. What happens then? A year or two later, or the next year, they come in and recalculate wage costs and say: Yours went down; you are getting by with less, so we do not have to give you as much as we gave you last year.

The one who got more money, who was able to raise salaries and pay more, has increased costs. So they come out, in the current formula, showing they need more. The rich are getting richer and the poor are getting

poorer. It is not right. It is a transfer of wealth from poorer areas to wealthy areas of the country. It is too big a gap.

We can do something about it. This fix for which I advocated, and we passed in this Senate, is part of the bill. Likewise, it was made part of the House bill. So both bills are in conference and have fixes for the wage index according to the terms I just mentioned. It needs to be in the final bill. I have to insist it be in the final bill. We have seen in times past bills get manipulated in conference, even when something has passed both Houses and should be in a bill.

I appreciate the chairman of the Senate conference and the chairman of the Senate Finance Committee, Senator CHUCK GRASSLEY. He has stood firm on this issue. He understands the issue. He is not going to accept any erosion of this legislation. He has communicated that clearly to the conferees. There has been some discussion about it. He has communicated very clearly, in my presence, to President Bush, and President Bush agreed with him. This would be in the bill. We are moving forward with the possibility of a significant reform this time.

We need to watch it. There are a lot of competing demands for money. A lot of people in conference may have another priority, but it passed both Houses. Senator GRASSLEY is standing firm, standing like a giant oak tree. I don't believe he is going to be moved. I thank him for his leadership and determination to see this matter to its end and to make at least this significant reform in that legislation. If we do it, we will find these two classes of health care will not be continued in America where rich hospitals and rich centers get more and the rural areas get less.

There are some programs out there for rural hospitals to give them special benefits. But Alabama, like Texas, has a lot of areas that are metropolitan but not high-cost centers, or not perceived to be high-cost centers, centers in cities with 30,000, 40,000, or 50,000 people. They do not get the benefits of rural assistance, nor do they get the benefit of a big city. That factor has been hurting us.

We worked hard on this. We will be watching this legislation very carefully. The fix in it for wage index and rural health care needs to remain in the bill. I thank Senator GRASSLEY for his determination to ensure that it remains in the bill. If the bill is passed as it came out of this Senate, and I hope it will be, we will see some benefit to our hospitals, many of whom are hurting.

In particular, I note Alabama hospitals have the lowest wage index in the Nation. Why, I cannot imagine. For example, the University of Alabama Birmingham University Medical Center is one of the finest medical centers in the world. People come from all over the world to be treated there. They are No. 1 in the world in liver transplants

and No. 3 in kidney transplants. They do some of the top work for the National Institutes of Health. The University of South Alabama in Mobile, likewise, is a first-rate medical school and medical center. Yet somehow this weird formula comes out in our State providing substantially less. It is just not right. Our people pay the same Medicare tax. A Texan pays the same Medicare tax as a person does in New York. But their hospitals do not get paid the same for the surgery.

We need to make some reform. We have an opportunity to make a nice step forward. It is not the end of the road. It is still too much of a gap. If we are lucky and things go as I hope, this bill will come back as it left this body. Then we can know that our hospitals, at least, had one good step forward as a result of Medicare reform and the prescription drug bill.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1580

Mr. REED. Mr. President, I rise in support of the amendment of Senator HARKIN to preclude and prevent the Bush administration from eliminating overtime pay for millions of hard-working Americans.

We just celebrated Labor Day. As is the custom, the President was out addressing labor in Ohio, talking to working men and women. The reality is that many of those families depend on overtime pay to make ends meet. He did not announce to them that buried in the bowels of the Federal Register is a provision that would severely restrict access to overtime pay for millions of American workers.

He talked about creating a position of economic czar to spur manufacturing, but, frankly, I think if that audience understood that as he spoke he was also proposing and working to deny many of them access to overtime pay, they would have been shocked and amazed—as I am shocked and amazed.

At a time when our economy is searching for ways to rebound from the longest recession we have experienced in many years and from the most severe loss of employment of any administration since Herbert Hoover, the idea that we should prevent people from getting overtime pay seems ludicrous, but that is precisely what the administration is proposing.

Indeed, if the administration were serious about ways in which we could stimulate the economy, one way is to reward the effort of working Americans when they work beyond 40 hours, give them access to traditional overtime pay, and let them go ahead and use

those resources for the family, for investment in America.

Frankly, it is a shock to me that the President is conducting this campaign to surreptitiously and quietly remove overtime protection that has been the law for the country since 1938 which every American takes for granted. In the 1930s, there was a great debate about labor laws, and a compromise was struck. Some industrial nations absolutely have a prohibition on working beyond so many hours a week, and I think rightfully so, but that is too inflexible—but certainly at some level, and the level decided on was 40 hours. After that, it would be appropriate—in fact required—that a worker would be compensated for at least time and half for his wages.

We are here today because Senator HARKIN, I think quite rightly, has proposed that we step to the plate publicly—not surreptitiously—and vote on this measure, vote whether we are going to deny overtime pay to millions of Americans or continue a practice, a tradition, and a law that has served this Nation well for almost 70 years.

About 79 percent of today's workers qualify for overtime pay. It accounts for about 25 percent of their income. Just think, if working Americans—79 percent of them—lost 25 percent of their income or, even a fraction of that, 10 percent of their income. They would be in desperate straits with their mortgage responsibilities, their tuition responsibilities, and their health care responsibilities.

All of us know because we spent the last month back in our home States visiting with families who are working hard. Both spouses are working hard just to make ends meet—not saving up for a fancy vacation or for a fancy anything but just to make sure the bills are paid. As I said, in 1938 we struck a balance. We set a clear line. We said essentially that if you work beyond 40 hours a week, then you get time and a half. It gives families an option. In fact, we all know some families look forward to the opportunity for overtime work because that is what gives them the margin to get by in a very competitive environment, and a very expensive one.

In 1938, the Fair Labor Standards Act recognized that there has to be some flexibility in legislation. It says there are certain white-collar workers who are professionals—highly paid executives, highly compensated workers who do not need the protection because of the nature of the marketplace and who could be exempt from the requirement to pay overtime. They established several salary tests—a “salary-level” test, a “salary-basis” test, and the “duties test.” But essentially, as I view it, it was a narrow exemption. The rule was that if you worked more than 40 hours, you would qualify for overtime pay. But there is a narrow exemption for white-collar duties. Again, because of the nature of the marketplace, these individuals, because of their skills and

because of their abilities, are quite capable of negotiating their own arrangements and their own terms. That was, a reasoned and principled balance. Today, that balance is being upset by the proposal by the Bush administration.

First, let's briefly discuss what the rules are today. If you earn less than \$8,840 per year, you cannot be exempt from the requirement to pay overtime. That is sensible. Of course, \$8,840 a year is trivial in some respects in terms of buying for a family in the United States in the year 2003. The administration recognizes that the proposal is artificially low. They proposed to raise the figure to the total of \$22,100. But they are not going to index this figure. So this figure could be locked in concrete for years. More importantly, even this figure of \$22,100 is basically the poverty level for a family of five. In fact, the Department of Labor's own lower living standard income level—when they do predictions—suggests that a family of four requires about \$31,750 to avoid poverty. Yet we are saying there is a range of people earning \$22,000 and beyond who could lose their overtime pay even though they are desperately close to poverty. It doesn't make any sense to me. I think we should raise the level. We should raise it to a level that is consistent with keeping a family out of poverty before we take away their automatic rights for overtime beyond 40 hours a week.

But the biggest change the administration is proposing is to basically broaden the category dramatically for who is white-collar or executive. What it means is that before we considered a professional—according to the definition, it is someone who has had a prolonged course of intellectual studies: lawyers, doctors, obviously academics, civil engineers with qualifications and certificates. But now the administration wants to go ahead and say, no, this is really just someone who, through experience, has gained the title of “professional.”

This means we are opening up this possibility of losing overtime pay for draftsmen, engineering technicians, paralegals, emergency medical technicians, licensed practical nurses. And I can tell you that licensed practical nurses in a hospital are professionals but they are certainly not paid like a doctor is paid. This rule would put them on that level. She is a professional. I don't think that makes any sense. Lab technicians, dental hygienists, physical therapists, respiratory therapists, lab technicians, and some registered nurses will be denied overtime pay because they are now “professionals.”

There is a broadening of the definition of “executives.” When this legislation was passed almost 60 years ago, those executives had a narrowly construed exemption. They were someone who exercised significant authority over a significant number of people.

Now they are talking about someone in a minimal supervisory responsibility who could be classified as an executive. Some restaurant workers who happen to be the head of a shift of other waiters are now suddenly executives. That is news to a lot of the people I know who work in the hospitality industry. Certainly, they would be executives in terms of base pay. But in terms of overtime pay, they are not.

Again, to me, that is something that strikes against the whole spirit of people working beyond 40 hours a week. They should qualify for overtime with these narrow exemptions. Exceptions now are being broadened beyond that definition. I think this rule, as a result, is very questionable.

The effect may be that families will lose out. The average American working puts in more hours than in any other country in the world—almost 1,900 hours a year. That is how long the average American worker works.

As I said, more and more families rely on not just the income of a primary breadwinner but both spouses are working. We are the hardest working nation in the world. We pat ourselves on the back for our industry, for our dedication, and for our determination. And here the administration is not rewarding that effort but effectively punishing people, saying: Well, you might be compelled to work overtime but you won't be paid for that. That doesn't make any sense.

This has a particular impact on health care workers, I suggest, because it is so easy in that context to talk about supervisory responsibilities and professional qualifications. There is just enough pay so they will go over the threshold. My home State of Rhode Island has 68,000 health care workers. Thousands of them count on overtime pay to just make it through the month. If they lose that pay, they are going to be in a serious predicament, along with their families and our whole economy.

The Department of Labor estimates that the proposal will only affect about 644,000 Americans. Frankly, that is a gross underestimate. Probably millions will be affected by it because of the ambiguity of these new classifications because the incentives, if you will, are for employers to find ways to deny individual workers the right to overtime compensation.

In fact, the Economic Policy Institute studied just 78 of the 257 proposed “white-collar” occupations and estimated that 2.5 million salaried employees would lose their right to overtime if these proposals were adopted. I don't believe we should weaken the exception in this economy.

We have just today seen another report of unemployment. Unemployment is hovering at 6.1 percent at recessionary levels.

In fact, we saw a dramatic fall in payrolls, the number of people actually in nonfarm occupations working. We have seen productivity increases which are good, but they have not been balanced by gains in employment.

Fewer people are working. Since the administration took office, 9 million people have lost their job. Today, in addition to that, we are telling the people who are still hanging on to employment: "Don't count on overtime"? That is not fair and it is not good for our economy.

I would hope we could vote on this amendment and that we could send a very strong message that what has worked for 60 years, what most people believe is deeply ingrained in the fabric of the American market and workplace—the simple notion that if you work more than 40 hours a week you qualify for overtime—can be maintained as it has been. I hope we can do that.

Mr. President, I yield the floor and suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

Mr. WYDEN. Mr. President, the Labor-HHS-Education appropriations bill reported by the Senate Appropriations Committee contains \$10 million to fund a small, but important, provision passed in 1996 which would extend the Federal Tort Claims Act coverage to medical volunteers in free clinics in order to expand access to health care services for those who are low income and have few avenues to receive health care. This long overlooked provision is Section 194 of the Health Insurance Portability and Accountability Act of 1996 and is similar to the coverage already offered community health centers.

Congress never appropriated funds for section 194. No administration requested funding and no regulations to implement this section of the law were ever published. Yet, one of the key reasons retired health professionals often do not volunteer is the cost of malpractice insurance. Free clinics simply cannot afford to purchase insurance for them. HIPAA provided a mechanism to solve the problem, yet 7 years after the law's passage, failure to fund this section of law has prevented it from becoming a reality.

Year after year, I, and several colleagues, have urged this and previous administrations to implement this provision. The current administration has been concerned that they would not be able to implement the provision without funding. I thank my colleagues on the committee who have helped make this funding a reality, and I will continue to work with them to assure that the provision stays in through the conference.

Mrs. CLINTON. Mr. President, I rise today in support of the Reid Hispanic educational opportunities amendment.

My Democratic colleagues and I have held roundtables with Hispanic leaders

across the Nation and members of the Congressional Hispanic Caucus that have allowed us to share ideas and develop an agenda that addresses the issues that matter most to the Hispanic community.

We know how important education is to Hispanics and will continue to ensure that it remains a top priority for the Democratic caucus.

Two years ago, Congress and this administration worked together to pass the No Child Left Behind Act to improve the quality of education in America's public schools. We had the commitment from President Bush that additional resources would be provided to help schools implement the changes required.

Today, this administration has broken its promise and has chosen to cut funding for NCLB next year by \$1.2 billion below this year's enacted level of funding. I stand with my colleagues in support of this amendment because we recognize the education of Latino students as a national priority. We are here today to ensure that these resources are restored.

Hispanics are now the largest minority group, as well as the youngest fastest-growing minority group, in the country. Hispanic children make up 17 percent of the total school-age population in the country and recent trends indicate that the number of Latino children attending our Nation's schools is increasing. Despite these changing demographics, Hispanic children remain among the most educationally disadvantaged of all students.

Hispanic children are more likely to attend schools in predominantly low-income areas, they are more likely to be enrolled in segregated schools, less likely to complete high school, and are less likely to be enrolled in and graduate from college than their non-Latino peers.

This amendment will help restore funding for several key programs that have traditionally helped put Hispanic students on par with their more advantaged peers.

This administration has chosen to eliminate dropout prevention at a time when the dropout rate among Hispanics is growing and continues to be higher than that of White or Black students. Nationally, the dropout rate among Hispanics in 2000 was 34 percent up from 22 percent in 1990, and in New York State, the percentage rose to 38.4 percent in 2000. In New York City, 38 percent of all children enrolled in elementary and secondary schools are Hispanic, higher than any other group. These children face many barriers to graduation, yet New York City's dropout prevention grant will be zero funded in this appropriation bill.

School districts in New York and across the Nation already lack the resources, staffing and programs to help new immigrants adapt to U.S. schools and overcome language barriers. Eliminating this funding will just make matters worse. We know that young

adults who do not finish high school are more likely to be unemployed than those who graduate. At a time when our unemployment rate is staggering, we should be doubling the funding for dropout prevention— not eliminating it.

I applaud Senator BINGAMAN for his leadership in making dropout prevention a national priority and look forward to working with him on this issue.

This appropriations bill cuts title III of the NCLB by \$20 million, severely underfunding bilingual education programs and jeopardizing the academic success of hundreds of thousands of English language learners across the nation. New York's schools serve a large and growing number of Latino students and the rate of enrollment for limited English proficient students has grown by 44.3 percent, since 1990. Resources provided under title III of the NCLB help school districts in my State provide English language instruction to over 300,000 limited English proficient children and nearly 120,000 immigrant children.

Since this program was consolidated and turned into a block grant, states like New York have had to reduce their services. This appropriations bill adds insult to injury by forcing cash-strapped schools to serve more students with far fewer resources. Restoring this funding will help States, local schools, and colleges build their capacity to teach limited English proficient students effectively.

The children of migrant farm workers, often called "children of the road," face many obstacles in their lives, including extreme poverty, geographic and cultural isolation, discrimination based on race or ethnic status, language minority status, and, most importantly, mobility.

I am pleased that this amendment restores and increases funding for key migrant education programs that serve this at-risk population, including Head Start for children of migrant and seasonal farm workers. Currently, only 664 of 1,177 eligible migrant children are enrolled in Migrant and Seasonal Head Start centers across New York. This is especially troubling given the fact that migrant children who are not in head start classrooms are either cared for by other younger siblings or are left in the fields.

This amendment will take an additional 150 migrant children in New York out of the fields where they are put at risk of exposure to harmful toxins and pesticides and into quality head start classrooms where they can receive the social, behavioral, and cognitive skills they need to help prepare them for school.

This amendment also restores funding to the High School Equivalency Program, HEP, and College Assistance Migrant Program, CAMP. The HEP and CAMP programs are both very important to New York as well as other States in the Northeast. The HEP program helps migrant students who have

dropped out of high school get their GED, and CAMP assists migrant students in their first year of college with both counseling and stipends.

The children of migrant farm workers face the highest dropout rate among all other Hispanic American ethnic groups. Current estimates place the dropout rate for migrant at between 50 and 60 percent. Before the Federal Government created CAMP programs, there was no record of a migrant child having completed college. With HEP and CAMP these students are making amazing progress. At the State University of New York at Oneonta, both programs serve students from migrant and seasonal farm working families from New York, Maine, Pennsylvania and Connecticut. This year, Luis, a New Yorker and former HEP and CAMP student will be entering as a sophomore at SUNY-Oneonta. Luis' experience as a migrant youth is shared by countless other children of migrant and seasonal farm workers.

For many migrant children, moving from state to state can take its toll. For Luis, it resulted in a pattern of repeating grades until he quit school to work with his father in the vineyards in Western New York. A year later, he learned about High School Equivalency Program, HEP. With the assistance of the HEP program, he earned his GED, applied to college, and was accepted to SUNY last year as biology major. As a CAMP student, Luis received vital academic, social, and financial support during his first year of college, the most critical year for most first-generation college students.

Luis now mentors other CAMP students, is a member of the Migrant AmeriCorps program and has maintained a cumulative GPA of 3.04. Securing additional resources for HEP and CAMP will help ensure the dreams of students like Luis become reality. I also support increasing funding for Hispanic Serving Institutions, HSIs.

For New York this increase will help 12 colleges and universities expand their capacity to serve a large and growing number of Hispanic students. By supporting these institutions we are recognizing the large contribution they make to increasing access to higher education for traditionally underserved communities, and are making the dream of college a reality for many more Hispanics. The condition of America's future will depend upon how well we meet the demand for an educated workforce.

Cuts in education programs might help balance the books in the short-term, but it is a bad idea for our economy in the long-term. We need a highly skilled workforce to compete in this global economy and investing in the education and training of our Hispanic population will help our Nation meet this challenge.

I therefore urge my colleagues to support this amendment.

#### MORNING BUSINESS

Mr. FRIST. Mr. President, I ask that we now be in a period of morning business.

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

#### DC SCHOOLS

Mr. FRIST. Mr. President, yesterday the Senate Appropriations Committee passed legislation that has real promise, and that promise goes to the heart of offering the schoolchildren of this city, the District of Columbia, a genuine, a real opportunity to achieve an education. Specifically, I am talking about the DC Choice Program, a program my colleague from New Hampshire, Senator JUDD GREGG, has worked so very hard on over the past several months; an issue that other colleagues, especially MIKE DEWINE, the Senator from Ohio, has been so committed to; an issue that colleagues from the other side of the aisle, Senator FEINSTEIN and Senator BYRD, are both committed to. Indeed, both showed, I believe, bold and courageous action on behalf of the Capital City's schoolchildren.

The District of Columbia appropriations bill provides \$40 million for public schools here in the Capital City. That money will be divided between public charter schools and a new private school tuition program that would offer up to \$7,500 per student for about 2,000 additional students.

Regrettably, some of my colleagues on the other side of the aisle supported doing nothing, supported the status quo. They refuse to allow 2,000 of the District's schoolchildren who are from hard-working, low-income families to have that opportunity of earning a better education. They would rather trap these children in failing schools. They would rather tolerate failure than take a chance at success.

The record of the District's public schools is shocking. Despite unprecedented Federal and local spending in the District totaling about \$12,000 per student, the District's scores are the lowest in the Nation. Only 10 percent of the District's fourth graders are proficient at reading. Fewer than 12 percent of District fourth graders can write at grade level. Only 6 percent of District fourth graders can do math at a proficient level.

This is a disgrace. DC's public schools are graduating children who cannot read, who cannot write, who cannot add, and who cannot subtract. Would any of us in this Chamber allow our children to be illiterate and unable to do simple fourth grade math problems? The answer is obvious.

In fact, many of those who oppose Choice for the Capital's schoolchildren send their own children to private schools where their children are able to read great literature, learn calculus, learn physics, and dream about careers in anthropology, or careers in aeronautics, and, indeed, go on to competitive colleges and universities.

Unlike some of my colleagues here on the Hill, the locally elected officials from the District itself want the very same for the District's school age kids. They are determined that the District schoolchildren will learn to read and to write and thereby share in that American dream. The city's Mayor, Anthony Williams, understands that. The DC Board of Education president, Peggy Cooper Cafritz, and city council member Kevin P. Chavous are all courageously advancing the cause of universal education for kids here in the District of Columbia. They understand it. Most importantly, the people who understand it and who are leading the fight are the parents of the kids here in the District.

Across the city, parents are lining up in order to obtain better options and better alternatives for their children. The need is so intense that the District Public School Choice Programs are now way oversubscribed. Each year, more than 1,000 schoolchildren are "wait-listed" for the city's magnet programs. Charter schools educate right around 15 percent of DC kids, with nearly 11,500 children in attendance and another 1,000 on waiting lists to get into these charter schools.

When John Walton and Ted Forstmann invested \$2 million in the Children's Scholarship Fund here in the District, more than 10,000 families applied for about 1,000 seats.

Virginia Walden-Ford, the executive director of DC Parents for School Choice and a mother of three, knows first hand how desperately parents want a better education for their children. She tells me that each week she receives in her organization hundreds of calls just about this issue of having a better choice, a better alternative. She knows first hand the desperation of these parents.

Virginia had to take matters into her own hands when her son was having trouble in school. He was skipping school. He was having run-ins with the law. He felt like no one cared. He also felt peer pressure to not work hard, to not achieve, to not aspire. Virginia, as a parent, was terrified. We all would feel this way. She was terrified of what would happen if her son stayed in that environment—if he stayed or was trapped along this path that would lead to nowhere. So she decided as a parent to make a difference and to make a change. She sent him to a private school. And within 2 weeks she tells me her son, who she was so worried about being trapped in this environment in which there was no escape whatsoever and no opportunity to achieve that American dream, was transformed—no more getting into trouble, no more skipping school, no more getting into trouble with the police, no more skipped homework assignments. Virginia asked him why. What made that difference? What led to that transformation?

Her son told her very directly that the teachers for the first time cared

about whether he learned. At the new school, skipping class and not showing up the next day was a major infraction. For the first time, Virginia was told by her son that he actually felt safe walking through the school's hallways. Not only did Virginia's young son graduate, but unlike many of his friends at the old school who had dropped out before graduation, he graduated with a 3.8 grade average. And, indeed, today he proudly serves in the Marine Corps. Virginia believes that going to private school literally saved her son's life.

That is one story. There are thousands of stories like that in terms of better opportunities. But there are thousands more parents who want the same for their kids, who want that opportunity, who simply don't have that opportunity but who will now have that opportunity if the bill that was passed yesterday in the Appropriations Committee ultimately becomes law.

It is nonsensical to withhold from these parents the opportunity to have their kids be able to go to a school where they will thrive, where they will have those new opportunities.

Yesterday, as I looked at the vote and who voted which way, it is clear that a majority of Senators in the Appropriations Committee—and I believe a majority of Senators on the floor of this Senate—are parents like Virginia who will demand better options for their children, and thus the Senate will support giving them those options.

I, for one, support each child's right to learn to read and write and add and subtract. Basic education for our schoolchildren simply cannot wait. It is incumbent upon us to act.

Cardinal McCarrick, who is the Archbishop of Washington, DC, understands how crucial choice is to the future of this city's kids. I had the opportunity to discuss with Cardinal McCarrick this very issue. He stressed to me the importance of this piece of legislation to open up that opportunity to families and to kids all across the District. He wrote me a letter earlier this summer, which I ask unanimous consent to be printed in the RECORD.

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

ARCHDIOCESE OF WASHINGTON,  
*Washington, DC, July 21 2003.*

Hon. Senator Bill Frist,  
*Dirksen Senate Office Building,*  
*Washington, DC.*

DEAR SENATOR FRIST: As the U.S. Senate committees review legislative proposals for appropriations to fund the DC School Initiative, I would like to restate in the strongest terms my support for this initiative and all that it represents.

Our Catholic Schools in the District of Columbia have served the children and families of Washington for over 100 years, and we are determined to continue to provide for these families in the future. We are committed to the City and to all its families and children. In fact, the majority of our students in the District are not Catholic. As stewards of education we recognize the need for every student to have equal access to educational opportunities that will best serve the needs of

both the family and the child. It is because of this commitment that we wanted to work in partnership with Mayor Williams and our colleagues on the City Council, on the School Board, in the Superintendent's office, and in the private sector. Working together, putting politics aside, we realized the need for a three-sector initiative. It is a simple collaborative model, and yet it continues to remain a controversial concept to some.

This three-sector concept has formed the basis for the DC School Funding Initiative. This approach provides the opportunity for all in leadership to support the strongest strategy to date for improving and increasing educational options for low-income families. Just as a triangular structure is the sturdiest of structures, because each side reinforces the other, the three-sector approach allows the whole of DC education to be greater than the sum of its parts.

The Archdiocese of Washington is committed to this solid approach and strongly supports legislation that provides 45 to 50 million dollars over five years for:

a. DC public schools to bolster the Transformation schools, to recruit principals and teachers, and to provide for professional development programming,

b. DC charter schools to support building renovations; and

c. Non-public scholarships for the neediest families in the District to be used to pay for the cost of education at the school of choice.

Let me just say a further word about the third part of this triangle, the help for parents who want to exercise their right to choose a non-public school for the education of their children. If they are poor—as so many of our families here in the District are—they have the right in theory, but they cannot exercise it in fact because they cannot pay the cost of their education. Some are working three and four jobs just to make their choice possible and your heart breaks to see this sacrifice made year after year. This three-sector program will help them as it will help the youngsters in the public system as well.

It is our sincere belief that this partnership model is significant and worthy of legislative support, funding, and assessment. This unique model of cooperation and strength affords all three sectors opportunities to engage in shared research, planning, and the continued development of services to support all children.

Hoping these legislative initiatives will be successful, the Catholic Schools of Washington, DC are prepared to accept 1,200 to 2,000 students. Many of these students may attend schools that already serve low-income neighborhoods. In fact eleven of our Center City Consortium schools currently serve a population that is 99% non-white, with 65% non-Catholic, 50% living below the poverty level, and 70% of the students living in single-parent households. More important, these schools are successful—with 100% of the graduating students accepted at Catholic High Schools, where 99% of the graduates go on to college. The average cost of educating our children is approximately \$7,000 per child compared to the \$12,000 cost for the District of Columbia. This ground-breaking initiative to participate as partners in education is an opportunity each of our District of Columbia Schools welcomes.

This is a unified and comprehensive strategy to level the playing field for under-resourced communities by ensuring economically disadvantaged families a chance to pursue all options, giving all children access to quality educational choices.

The Archdiocese remains committed to the three-sector initiative. Together with the Mayor, the City Government, the School Board, and our colleagues in all charter and

non-public schools, we share this dream of giving the children and the families of our nation's Capital one of the finest educational opportunities in the land. All three sectors need to be supported for this partnership strategy to succeed. Each sector gains strength and stability from the other sectors. This is a partnership representing a long-term commitment of cooperation for the good of our children.

Thank you for the opportunity to share our commitment to this vision.

With every good wish, I am

Faithfully yours,

THEODORE CARDINAL MCCARRICK,  
*Archbishop of Washington.*

Mr. FRIST. Mr. President, in that letter, he tells me that he regularly in the course of his counseling and in the course of his work sees parents who work "three and four jobs just to make their choice possible."

He goes on to write that "your heart breaks to see this sacrifice made year after year."

My fellow colleagues, parents are breaking their backs in this District to send their kids to schools that work, schools that really teach, schools that really provide an environment in which learning can take place. When you learn that only 10 percent—only 1 out of 10—of the District's fourth graders are proficient readers, your heart breaks all over again. These children almost certainly will never be able to catch up.

I would like to close these brief remarks with a statement from the editorial page of the Washington Post. Although I don't quote the editorial pages of the Washington Post often, on this issue the Post is absolutely correct. The editorial reads:

It is inexcusable for a group of Senators, many from distant States, to turn this into a partisan issue of their own. Instead, they should fight to make the District of Columbia school system work better for more children, in public, private and charter schools across the city.

"They should fight to make the DC school system work better for more children."

Mr. President, we should—and we must—fight to do just that. The District schoolchildren should not be trapped in the shadows of our shining city on the hill. They deserve, and their families deserve, our best efforts to make their classrooms models of success. They deserve, just as much as any other child—as much as a child of a U.S. Senator—to achieve the American dream. We can give them that opportunity.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### SENATE AGENDA

Mr. FRIST. Mr. President, I have a few comments to make about the fall

and some of the progress we have made to date, and then I plan on closing the Senate for the weekend. Not having had the opportunity this week, the first week back after our August break, I did want to comment a bit on the agenda.

Over the course of the week, we have had time to have our conference, and I talked to the Democrat leader as well, and I think over this week we have made good progress. There has been not quite as much progress today as I would like. I am very hopeful we will make more progress on the Labor-HHS appropriations bill. But after discussions with our own conference and the leaders on the other side, I am optimistic and very excited about the agenda for the next several weeks and into the fall.

Over the course of this week, we have made good progress. We have had seven rollcall votes. We have disposed of a number of other amendments, and I remain hopeful we can complete action on this bill early next week so we can continue with other appropriations bills.

In addition, this week we passed several important banking reforms under Chairman RICHARD SHELBY's leadership, including hospital mortgage insurance and the FHA mortgage commitment. I thank Senator SHELBY for his tremendous leadership on both of these issues.

Next week, once we complete Labor-HHS, we will go, as I mentioned, to other appropriations bills. Chairman STEVENS this week was able to process all of the remaining appropriations bills. We have done three of the 13 bills. We are on our fourth appropriations bill. The rest of those bills were processed in committee and, indeed, all of them now are awaiting Senate action. That is why again and again, as majority leader, I will be encouraging our colleagues to work together and continue to make progress because all of this we are directed to do over the next 30 days. So I ask for patience, cooperation, and partnership so we can continue to move in the direction of completion of these bills.

Next week, we will continue working with the Democrat leader on the commemoration we will have in this body for the anniversary of September 11. With all of these efforts and the accomplishments of the last 8 months, if you put it all together, the Senate has made steady, consistent progress. That is what the American people want, that is what the American people deserve, and that is what they expect. So I think we are on course.

If we look back over the last several months at issues such as our jobs-and-growth package to tax relief to global concerns, such as HIV/AIDS and the commitment we have made and the legislation we have passed, we see a whole range of policies that directly impact people's lives, at a very personal level, a very intimate level, both here at home and, indeed, across the globe.

Over the August recess, I had the opportunity to spend much time in Africa, to be able to look firsthand at the ravages of HIV/AIDS and the devastation that this greatest of all humanitarian causes has inflicted upon a people, but also the great hope that can result and is resulting from the commitment of the United States of America in this regard.

We will continue into the fall season with a very clear mission. It is the mission that I have stated on the floor, in our leadership meetings, and in our caucus: to move America forward and to do it in such a way that serves the cause of the freedoms that we all cherish, the freedoms for which we fight, the freedoms upon which this country was founded.

That mission is coupled with forging a path of security in a whole range of fields—in military, defense of the country, and health care—and to forge a path of strength and opportunity as reflected in my statement just a few minutes ago for the American dream of the people in the District through expanded school choice.

As we look at this mission of moving America forward, I very quickly think of the issue of energy. We left before the August recess having passed very important legislation, the energy legislation under the leadership of our colleague from New Mexico, Chairman PETE DOMENICI. Little did we know that within 2 weeks of that we would have the August 14 blackout that blanketed the Northeast and Canada and dramatically brought home to us, in a concrete way, the importance of that legislation and the importance of completing that legislation which addresses the issues of the energy supply, abundance, and a more secure energy policy.

Although I am not sure if they are finished now, a few hours ago the conference committee on energy between the House and Senate were meeting. Going into that meeting, I talked to Senator DOMENICI. He said how excited he is that we have an opportunity now that we have tried to realize in the past, an opportunity to realize something that the American people again deserve and expect and that will impact the lives of every single American in such a positive way.

The chairman and members on the conference committee have been hard at work with the administration in developing a policy that is consistent with what we are working towards today, and that is solutions to the energy crisis which address everyday Americans, whether we look at production, consumption, or transmission of electricity. So as we look into the fall and project ahead, I am confident we will have an Energy bill on the President's desk by the end of the year.

This week, there has been much discussion on the supplemental to our efforts in Iraq. Although we do not know what that figure from the White House will specifically be, it is clear, at least

to my mind—and there will be debate and discussion and points will be made, but at the end of the day, we will stand behind the President and the request of the President of the United States, and we will provide those resources and provide them proudly because we must win. We will win. There is no question in my mind we will win, but we must be fully behind that effort to make sure that those freedoms, which are the very freedoms upon which this country was founded, are preserved for our current generation but also for the future.

Our work around the world and with the world community to bring Iraq into that world community of nations not only advances freedoms across the globe but a safer and a more secure Iraq indeed makes Americans safer and more secure.

We have the challenges before us, but there is no question that we will win that war on terrorism, that we will win those battles for security in Iraq, and that we will provide those appropriate resources.

As we look at moving America forward, we started by passing a Medicare prescription drug bill in this body, but our full impact has not been felt and will not be felt until we have a final product in the conference report, which is currently underway. Meetings among colleagues have taken place this week on both sides of the aisle to help develop that final product in Medicare and really to develop a Medicare system that, for the first time in the almost 40 years of its existence, will offer help to people who need that help for prescription drug coverage.

There is a lot of talk about: Can it be done? Is there going to be a backlash to it? It is going to cost too much. It is too complicated to do now. There is still a lot of partisanship. Some say it is going to get mixed up in elections. I hear all of that again and again, but this is a particular issue that this body has spoken on strongly and overwhelmingly.

There were over 70 votes in favor of this legislation. It is legislation that will have an impact, again, on millions of seniors' lives.

It leaves me to fairly confidently say we are going to have a bill that is going to be on the President's desk sometime this year—I cannot predict exactly when it will be—that will represent the most significant legislative change, and I should also add the most significant increase in resources applied for health care security for seniors and individuals with disabilities; this gets lost a lot, but a bill that focuses on low-income people who simply do not have the resources to buy what we know are very expensive drugs, life-saving drugs, quality-of-life-improving drugs.

This bill will cut the burden of prescription drugs by over half on people who are low income or simply have no health insurance or no access to those lifesaving drugs. It is a bill that will provide immediate relief. We are not

talking about 5 years from now or 10 years from now but literally within probably around 8 to 9 months after the President signs that bill, every senior will have a prescription drug card that will give them help immediately with the purchase of those prescription drugs.

We have a challenge. The challenge is basically to take the very best of the Senate bill and the very best of the House bill, bipartisan, bicameral, and put it together to accomplish those goals. I am confident we are going to be able to do that in spite of the naysayers, who—and I am not sure what drives it—basically say it cannot be done, it will not be done. I am confident it will be done. It will be challenging, but it will be done.

When I think of security in Iraq and the security of our freedoms or energy security, it comes back to health care security because if one is a senior or a near senior, their greatest fear is something is going to happen to them or to their mom or spouse, and it is going to wreck their life. They are going to die, their spouse is going to die, or their mom is going to die because of lack of access or lack of ability to access that can be lifesaving.

Looking at other areas of health care, these are all things that we will be addressing very directly over the coming weeks.

There is the issue of frivolous lawsuits. People will say, well, we addressed this 3 months ago, or tried to address it, and therefore we do not need to come back to it for another 3 or 4 years. That is not the way we are going to approach it. We are not going to approach it because it is a problem that affects access to health care to people all over the United States of America with now 22 of the 50 States in what can be classified as a health care crisis because these frivolous lawsuits have now—maybe unlike 10 years ago—come to the point that it affects health care for everybody who is listening to me. Frivolous lawsuits are increasing in number every year—frivolous, unnecessary lawsuits. The lawsuits that are legitimate need to be there and there needs to be fair and just compensation. I am talking frivolous, unnecessary lawsuits which are driving up the cost of health care, premiums to doctors, causing doctors to leave their practices and causing doctors to leave certain communities and move to other States, thus affecting—for everybody listening—access to quality health care.

When it gets to that level, it becomes a crisis. It is our job to respond. Although when we brought it to the floor 3 months ago we were unsuccessful in transforming the system, it will come back in the next several weeks. We will bring it back. Until we educate those who do not fully understand access and quality of care are being affected by the unnecessary, frivolous lawsuits—until people are fully educated, we will keep bringing it back and, indeed, make a difference.

Another health care issue, although it is as much a jobs issue and an issue of the economy, but also health related, is asbestos. It is interesting because as a thoracic surgeon, a chest surgeon—which is what I did before coming to the Senate—when I thought of asbestos, I thought of a disease called mesothelioma, a disease of the chest which is encasement of the lung, probably one of the most difficult operations a thoracic surgeon can do. People think transplants are difficult. That is fairly straightforward compared to trying to resect and fix a mesothelioma of the lung, chest cavity, which is caused by asbestos.

The asbestos legislation was reasonable, and the intention was to have adequate and fair and equitable reimbursement for asbestos-related disease. That is positive, that is good, and good legislation.

The problem today is a little bit like the medical liability issue. We have unnecessary claims being filed. People see there is a big pot of money out there. We have around 600,000 people who filed claims because they think there is a pot of money and because the legal system has gone awry. They know that by filing a claim, they will be able to claim some of the pot of money.

Again, like the medical liability issue, we need to, in a rational and balanced way, fix the system. It is a system that has gone awry because of certain incentives. The chairman of the Judiciary Committee, ORRIN HATCH, has done a fantastic job and said let's get everybody together, from the left, right, Democrat, Republican, union, nonunion; let's all get together—business, workers, patients, consumers—and develop legislation, work through the committee. That is the first step. Now we need to take that legislation, improve it, strengthen it, educate this body broadly.

People will soon realize it is health care in many ways but it is also a jobs and stimulus package. Since the early 1980s, 70 good-sized companies have gone bankrupt because of the liability that has been thrust upon them. Some OK, probably, but a lot not OK. A lot has been irrational that has been thrust upon them, and they have gone out of business through nothing intentional, because of the way the legislation is written. Of those 70 companies over the last 20 years, a third of them have been in just the last 2½ years.

So the problem is getting worse as we go forward, although the estimates of the cost of asbestos with the runaway lawsuits vary, and they are very rough. I recall one figure, that over 420,000 jobs have disappeared because of these inequities associated with asbestos and the legislation that was originally written.

It is a health issue, it is an equity issue, a fairness issue, and also a jobs issue. If we fix the problem, and fix it appropriately, we are going to have jobs actually created in the future. As people spend more time with this legislation, they will understand that.

Class action litigation, although I don't know exactly when we will address it in the Senate, is an issue we will address on the floor of the Senate. Frivolous lawsuits are clogging the system. When they clog the system and we have this use of resources, it is dollar resources, it is also person power resources. When we use the resources in a wasteful way, we cannot use the resources in a way that is productive, that will help individuals in whatever realm of life. The class action suits have clearly gotten to that point with frivolity, the waste, the unnecessary suits. That is something we on this floor sometime in the next several weeks will address.

If we have the frivolous lawsuits, it is obvious they clog the system. They stifle innovation, they stifle creativity, they cost jobs, and they can even endanger the lives of our fellow citizens—all of that, as we talk about the proposal which is before the Senate, a bipartisan proposal that can bring more order and efficiency to the system. This will become more obvious to both colleagues who do not focus on this and also to the American people.

We can bring order, we can bring efficiency, and we can bring balance and rationality with the best use of resources to the system.

I add that we will be able to protect Americans listening right now, Americans and American consumers, from unscrupulous and exploitative litigators who are out there in many ways grubbing for that dollar to take advantage of the system.

Environmental concerns. We had the opportunity to meet with the President this week, and we talked about a whole range of issues, starting with Iraq and the security issues, moving quickly to the importance of jobs and the economy, and talking about several of the issues I mentioned, but very early coming to a range or group of environmental issues.

It is very obvious that in the West, the long drought and dry timber have created a dangerous situation, a perilous situation. We see on television and hear from those Senators who represent the States, when you fly over the country, you foresee the mammoth fires that can start with just a single spark. Overnight they threaten property, threaten communities, and threaten lives.

The President of the United States, President Bush, has proposed legislation that will reduce the danger of fire. How? By sensibly and rationally managing forests with a better balance of forests—conservation on the one hand and citizen safety on the other.

I have to mention that tax issues will likely come up in the next several months. People clearly on our side believe strongly we need to make the tax relief that the President has put on the table permanent so people can plan for the future, so citizens can have more money—or at least do not increase taxes. Citizens will have more money

to be able to spend and invest the way they wish rather than send it to Washington, DC, and let Washington, DC, decide how to spend that money. That does give economic stimulus and creates jobs.

We will most likely examine in the Senate, under the leadership of Senator KAY BAILEY HUTCHISON of Texas, the marriage tax penalty. Once again, the complexities of the Tax Code, combined with peculiarities of our budget laws, have created a tax, a penalty for people who are married. Maybe a teacher and a policeman are married and they are paying more if they are married than if they were not married. It does not make sense. People do not understand it. We know these couples have been unfairly taxed. We will argue that it is unfair. I hope this inequity that we have made some progress in addressing in the past we can really permanently erase.

In the area of family—partial-birth abortion is something we have debated on this floor. We passed it in this body. It was vetoed by President Clinton in the past. We have passed it in the body, and the House has passed it in the past. Now we have to pull those two together in conference. The problem is, we can't appoint and can't fulfill appointment of the conferees until we have another debate on the floor of the Senate. I am working very hard to get that scheduled so we can go to conference, have a bill and send it to the President so we can finally, finally ban partial-birth abortion. We don't need to get into the issue right now, but it has been described by Members on both sides of the aisle as close to infanticide as you can get. Yet we still have not been able to come to agreement on both sides of the aisle about the conferees, go to conference, and send the bill to the President. We are going to bring this to closure sometime here in the next several weeks.

Senator MIKE DEWINE from Ohio and Senator LINDSEY GRAHAM—I can't come to this floor without them saying, What about our Unborn Victims of Violence Act? It is something we debated on this floor, we made the case for, and now is the time for us to complete our legislative activity so we truly can protect unborn victims of violence.

All of this is ambitious, but it is time to be bold and it is time to be ambitious. I think this body demonstrated this again for the most part in a bipartisan way over the last several months. But each of these issues that I have mentioned will be addressed on the floor of the Senate.

Yesterday an event happened. Again, I don't need to rehash that today, but the withdrawal of Miguel Estrada's nomination yesterday was a tragedy. It was a sad day for this body. At the end of the day I had the opportunity to call and talk to Miguel Estrada, and there is just simply nobody to my mind who is better qualified for the position for which he was nominated and who was more unjustly treated by this body.

These blocked judicial nominations are maybe the biggest challenges we have before us—unprecedented filibusters, unprecedented partisan filibusters on the floor of this Senate are unpardonable, I believe.

We are going to stay focused. We are going to do our very best to educate, to break these filibusters. I think one day the consequences of the minority blocking highly qualified nominees without good reason will come home to roost.

Other issues, reauthorization issues, and then I will close. I know it is late on this afternoon and we need to move on. But reauthorization I at least wanted to mention. There are many so I don't want to mention them all, but reauthorization of welfare, of the highway bill—again, a lot of discussion this week as we look forward to addressing these sorts of issues in the coming weeks.

There are a lot of opportunities. It is a huge responsibility for each of us in the coming weeks. But I am absolutely confident that by pulling together, by working as a team, by working across the aisle, we will be able to advance the mission I mentioned of moving America forward and to do it in a way that celebrates the freedoms we all enjoy.

We will be able to make meaningful progress in our Nation's economic life. We will be able to make meaningful progress in our Nation's moral life. We will be able to make meaningful progress in our Nation's civic life.

We are going to have a very busy and we are going to have a very productive fall.

#### SECTION 189 OF THE FAA CONFERENCE REPORT, H.R. 2115

Mr. COLEMAN. I would like to engage the Senator from Mississippi in a colloquy regarding section 189 of the conference report in order to clarify the intent of the conferees.

Mr. LOTT. I would be pleased to engage in a colloquy with the Senator from Minnesota.

Mr. COLEMAN. It is my understanding that this section is a very limited, temporary funding restriction that will not affect noise mitigation funding in any significant way. Federal airport improvement program monies from the "Noise set aside" have not normally supported noise mitigation projects below a Day-Night Average Sound Level (DNL) of less than 65. This is because under the FAA's system of ranking projects for the use of the noise set aside, projects to reduce higher levels of noise having funding priority and projects below 65 DNL have not normally ranked high enough to get such funding. I further understand that nothing in this section or any other provision of the FAA conference report would prohibit an airport from using either passenger facility charges, PFC, or other locally generated monies to fund noise mitigation projects below

a DNL of 65. It is also my understanding that the provision is not intended to change the FAA's current approach of not disapproving an airport's entire part 150 noise program, where there is only a portion or portions of the program that are problematic. The FAA would continue to be able to disapprove portions of a part 150 program, while approving other portions, as they do today. Furthermore, the provision would not affect noise set-aside funding that would not require part 150 approval, such as school soundproofing or noise mitigation for an airport expansion project in an FAA environmental record of decision.

Mr. LOTT. The Senator is correct. The intent of this provision is a narrow one and does not affect the use of non-AIP funds by any airport. Nothing in this section or any other provision of the FAA conference report would prohibit an airport from using either passenger facility charges, PFC, or other locally generated monies to fund noise mitigation projects below a DNL of less than 65. It is my understanding that the FAA agrees with this interpretation of the effect of the provision.

#### CHANGE OF VOTE

Mr. COLEMAN. Mr. President, with respect to rollcall vote No. 323, I was recorded as voting "nay." I ask unanimous consent to change my vote to "yea." This change will not affect the outcome of the vote.

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

#### COACHES AGAINST GUN VIOLENCE

Mr. LEVIN. Mr. President, I want to bring to the attention of my colleagues a new and innovative program created by the Alliance for Justice called Coaches Against Gun Violence.

This program asks high school coaches to dedicate one game or event each year to gun violence prevention. The dedication can take a variety of forms, including inviting a local speaker to talk about gun violence, recognizing a victim or his or her family, having a school assembly devoted to the issue, or distributing ribbons in remembrance of lives lost to gun violence.

Each year, millions of students take part in athletic activities. Coaches are leaders and mentors and have an enormous impact on the lives of many of their players. Harnessing this influence to educate students about the deadly effects of gun violence is an excellent idea.

According to statistics compiled by the Alliance for Justice, there are an estimated 3,400 firearm-related injuries and 1,000 deaths each year in Michigan. In 2000 alone, 133 Michiganders under the age of 20 were killed in incidents of gun violence, and 3,894 people under 20 years old were killed in firearm-related incidents in the United States. These statistics are sobering. The Coaches Against Gun Violence Program is a

creative approach to educating young people about the deadly effects of gun violence and I hope that coaches across the country will consider this program for their school communities.

I urge my colleagues to encourage coaches in their home States to join the Coaches Against Gun Violence, and I commend the Alliance for Justice for its efforts.

#### PROTECT HOME HEALTH CARE

Mr. BOND. Mr. President, home health care is an important part of Medicare in which seniors and the disabled can get basic nursing and therapy care in their home. I rise today to urge the Senate Medicare conferees to stand firm against provisions in the House passed prescription drug and Medicare reform bill, H.R. 1, that would make further cuts in the Medicare home health benefit by reducing the home health inflation update and imposing a new copayment on home health beneficiaries.

Home health care is convenient, but much more importantly, patients love it. I have seen this first hand as I have had the privilege of visiting with many of my constituents who rely on this benefit. They love home health care because it is the key to fulfilling what is virtually a universal desire among seniors and those with disabilities—to remain independent and within the comfort of their own homes despite their health problems.

Since the passage of the Balanced Budget Act of 1997, BBA, no other group of Medicare patients and providers have endured as many difficulties. This is a big claim, given the many horror stories we've heard about the Balanced Budget Act. But absolutely nobody has suffered like home health patients and home health agencies. True reform means more than just ratcheting down payments to providers and services to patients.

Since 1997 Medicare home health spending has been reduced by over 40 percent and the number of beneficiaries by 1.3 million, or about a third. Forty percent of the agencies in my State have closed down or quit serving Medicare patients.

In a move to modernize the Medicare program, Congress eliminated the home health copay in 1972 to encourage the provision of health care in the home rather than in more costly institutions. With all the cuts in home health care that have occurred since 1997—including the loss of venipuncture, blood drawing, as a qualifying service, the imposition of per beneficiary limits under the interim payment system, cuts in the market basket inflation update, a "15 percent" cut in October of last year, and the loss of the 10 percent rural add on in April of this year—MedPAC has recently confirmed an alarming trend toward greater use of nursing home care. The reimposition of a home health copayment now would be a step backward that would exacerbate this recent trend.

Home health beneficiaries already must pay the Part B deductible and a 20 percent copay for preparation of a home health plan of care and ongoing home health care oversight by a physician. Over half of home health patients come directly from the hospital and must pay the Part A deductible of over \$800 in order to receive the home health benefit. Often they and their families must pay out of pocket for personal care services to assist with activities of daily living.

Our Nation's dedicated home health providers—and you know they are dedicated if they have stuck with it through the difficulties of the last few years—deserve to be left alone and given a rest. They, and the patients they serve, deserve to be left alone to recover from the post-BBA chaos. They deserve to be left alone in order to adjust to a new home health payment system.

In passing the Senate prescription drug and Medicare reform legislation, S. 1, the Senate wisely chose to forgo further cuts in the home health benefit. I urge my colleagues on the Medicare conference committee to oppose the provisions in H.R. 1 that would further cut and destabilize the home health benefit.

#### LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in San Diego, CA. On September 24, 2002, two teenagers attacked an immigrant, Jose Luis Cisneros, that left him in a coma for several days and with head and facial injuries. The pair were charged with hate crimes. According to the Deputy District Attorney, they went looking for "beaners" to beat and rob and went to a spot where they knew they could find undocumented immigrants.

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.

#### IN RECOGNITION OF THE 160TH ANNIVERSARY OF B'NAI B'RITH

Mr. LEVIN. Mr. President, I would like to call my colleagues' attention to a very significant milestone for our nation's oldest and one of the largest service organizations, B'nai B'rith, which was founded on New York City's lower east side in October 1843. Its

name, meaning "Children of the Covenant," reflects a commitment to unify Jewish people everywhere in service to their community and the world. On September 7th, in my home state of Michigan, the Great Lakes Region of this great organization will celebrate the B'nai B'rith anniversary and mark its many achievements in helping others, advocating freedom and democracy, and combating racism and bigotry.

Over the years, B'nai B'rith has been steadfast in meeting challenges on many fronts. Motivated in part by core Jewish values such as loving-kindness to others and peace and justice in the world, it has acted on a fundamental belief that all people should be treated with dignity and respect. Its members have answered the call to stand against racism, persecution, and violence against Jews and others, while working to protect basic human rights and preserve justice. B'nai B'rith has taken a leadership role during pivotal times in our history. Its members have worked to steer our nation on the right path to the benefit of all Americans. They opposed General Ulysses Grant during the Civil War when he attempted to expel Jews from several states. They urged President Theodore Roosevelt to take action in 1903 with the Czar of Russia to denounce anti-Semitic violence. And in 1913 after the lynching of B'nai B'rith member Leo Frank in Atlanta, B'nai B'rith leaders were moved to organize the Anti-Defamation League to battle bigotry.

Now as an international organization, B'nai B'rith is represented in 58 countries around the world. It has a full-time presence at the United Nations and the European Union in Brussels. It has the proud history of having initiated many programs and services, from disaster relief, to feeding the hungry, to medical research, to housing for the low-income elderly, to Jewish education, to a premier Youth Organization and an effective campus outreach for thousands and thousands of Jewish college students. B'nai B'rith helped bring war criminals to justice, has worked tirelessly for Jewish security around the world, and has helped to strengthen the land of Israel. After more than a century and a half of innovation and activism, B'nai B'rith is stronger than ever and continues to make an important and meaningful contribution around the world.

B'nai B'rith can be proud of its dedication to preserve Jewish heritage and promote values that inspire individuals to act in goodwill and to shape their communities for the betterment of all. We as a nation have benefitted from their extraordinary contributions both here and abroad, and I am sure that my Senate colleagues join me in paying tribute to B'nai B'rith for 160 years of superior performance in serving the needs of generations of Americans and people of nations around the world.

100TH ANNIVERSARY OF  
TEAMSTERS UNION

Mr. KENNEDY. Mr. President, it is a special honor to take this opportunity to congratulate the Teamsters Union on the 100th anniversary of their formation. On that historic occasion a century ago, the merger of two smaller unions of local delivery men using vehicles drawn by teams of horses launched the extraordinary union we know today as the International Brotherhood of Teamsters.

In those early days, such workers were often fired for union activity, and some were even killed. But the Teamsters persevered and began to thrive. By the 1930s, inter-city truck drivers had become the predominant members of the union, and they fought hard for legal protections, especially the National Labor Relations Act and basic laws setting minimum wages and maximum work hours for their work.

In World War II, the Teamsters were a key part of the war effort. They served with great courage in the armed forces. They vigorously promoted war bonds and the collection of scrap metal and rubber.

When the war was won, they came home and took up the great cause of social justice in communities across the land, fighting for civil rights and striving to see that America's workers received their fair share of the Nation's amazing post-war prosperity.

Now, on this remarkable centennial, the Teamsters are one of the Nation's largest, most vital and most effective unions. They are at the forefront of ongoing major battles for the fundamental rights and dignity of all workers, especially on key issues such as jobs, civil rights, and worker health and safety. I am proud to have worked with them on so many of these important issues. I congratulate them on this very auspicious centennial, and I look forward to working with them in the years ahead as they begin their new century.

## ADDITIONAL STATEMENTS

## TRIBUTE TO DR. JAMES S. SEIDEL

• Mr. INOUE. Mr. President, the children of the United States lost a great champion on July 25 when Dr. James S. Seidel died at the age of 60. Dr. Seidel was a professor of pediatrics at the University of California at Los Angeles School of Medicine and was chief of the Division of General and Emergency Pediatrics at Harbor-UCLA Medical Center.

He was an excellent teacher and researcher, but he was also a tenacious advocate for children. Through his students, residents, and fellows, he leaves behind a legacy of energetic inquiry and dedicated service to children and their families. Through his advocacy work, he leaves behind a much improved system of care, particularly emergency care, for children. While we

will all miss the man, we will continue to benefit from his work.

A major concern of Dr. Seidel, and a concern I share, was the challenge our Emergency Medical Services system faces in appropriately caring for the emergency needs of children. The system responds well to adult needs but is not always so successful in meeting the needs of children. He was a driving force behind the Emergency Departments Approved for Pediatrics, EDAP, system in California, but he also recognized that a national problem such as this required national support if it was to be solved. Along with my good friend, Dr. Calvin Sia, and a small group of pediatric emergency care advocates, Dr. Seidel worked with Senators HATCH, Weiker, and myself to help us enact in 1984 the Emergency Medical Services for Children, EMSC, program. This modest program has made a tremendous difference in the lives of many children and their families in every State and Territory. Dr. Seidel was a driving force in shaping the direction of the EMSC program, and was one of the program's first grantees. He maintained his interest and advocacy as the program matured. There is almost nothing in EMSC that was not influenced by Dr. Seidel. Dr. Sia received the first National Heroes Award for Lifetime Achievement in emergency medical services for children. In 2000, Dr. Seidel received the second. It was an honor well deserved.

In 1991, Dr. Seidel edited *Emergency Medical Services for Children: A Report to the Nation*. He asked me to write the Foreword. In it, I said, "History has repeatedly shown that persistence is most often the key to success. We must persist in our advocacy for those most vulnerable children of all: the ill and the injured." Dr. Seidel's life is a testimony as to how persistence will lead to success. We still have a long way to go, but we are much further down the road thanks to remarkable people such as James S. Seidel. ●

## TRIBUTE TO DOUGLAS D. FARIS

• Mr. SARBANES. Mr. President, I pay tribute today to a dedicated and respected steward of our National Park system, Douglas D. Faris, superintendent of the C & O Canal National Historical Park. Doug is retiring after a long and distinguished career in the National Park Service and I thank him for his outstanding achievements in managing and protecting the C & O Canal and other units of our National Park system over the past three decades.

Throughout his career in public service, Doug Faris has distinguished himself as a leader in natural and cultural resource planning, management and conservation. Beginning as a seasonal employee at Yellowstone National Park in 1970, Doug quickly advanced to top planning positions at the Park Service's Denver Service Center, the Lowell, MA, field office, and the South-

west Regional office, where he made substantial contributions to developing new park units, improving park facilities, and protecting park resources. In 1989, he was selected as Associate Regional Director of the Southwest Region and worked for 6 years building partnerships with Native American leaders and other organizations, developing highly professional work forces, supervising special resource studies, and working with the Congress.

I came to know Doug shortly after he was appointed Superintendent of the C & O Canal National Historical Park in 1994 and, over the past 9 years, have had the opportunity and privilege to work closely with him on a number of initiatives. I saw first hand the tremendous leadership he provided in repairing and reopening the Park after two floods completely destroyed portions of the Canal and many historic structures, picnic areas, and other park facilities during the winter of 1995-1996. Doug worked tirelessly to develop a strategic plan for restoring the park and to mobilize and coordinate the work of hundreds of volunteers and organizations that came to the aid of the Park. Thanks to his efforts, more than \$25 million in public and private funds were raised to repair the damages and reopen the park. Likewise, Doug spearheaded efforts to re-water the Canal at its Cumberland, MD, terminus, stabilize the historic Monocacy Aqueduct, and construct new visitor facilities. Under his leadership, new partnerships were formed with organizations and communities along the Canal, an Historic Leasing Program was implemented to help repair and protect the historic lockhouses and other dwellings in the Park; and many improvements have been made to the C & O Canal.

The efforts of Doug Faris throughout his career in the National Park Service have had a lasting effect not only on the parks and National Park system he has worked to protect, but on the people with whom he has come in contact. He has earned the respect and admiration of his colleagues in the Park Service as well as the visitors and citizens in the local communities surrounding the parks. It is my firm conviction that public service is one of the most honorable callings, one that demands the very best, most dedicated efforts of those who have the opportunity to serve their fellow citizens and country. Throughout his career, Doug has exemplified a steadfast commitment to meeting this demand. I want to extend my personal congratulations and thanks for his many years of hard work and dedication to the principal conservation mission of the National Park Service and join with his friends and coworkers in wishing him and his family well in the years ahead. ●

TRIBUTE TO THE HONORABLE  
ANTHONY SBONA

• Mr. DODD. Mr. President, I rise to speak in memory of a distinguished

public servant and a good friend, the Honorable Anthony "Buddy" Sbona, of Middletown, CT, who passed away on August 4, at the age of 73.

Buddy Sbona served three terms as the mayor of Middletown from 1970 to 1975, and to this day, he remains one of the most popular public figures that city has ever seen. During his term as mayor, Buddy Sbona established Middletown's largest industrial park in the Westfield area. He also established the first full-time attorney's office in the city. From 1958 to 1961, Buddy Sbona served three terms on Middletown's Common Council, and after he left the mayor's office, he spent the next 20 years as Middletown's Town Clerk.

Buddy Sbona was a Republican mayor in a mostly Democratic town. But his appeal transcended party lines. Throughout his career, he was respected and admired by Democrats and Republicans alike—not merely as an elected official, but as a good, honest, and decent human being. His warm and outgoing personality and his enduring friendship were legendary. Even if you didn't always agree with Buddy Sbona's views, it was virtually impossible not to like him.

At 5 foot 5, you might think that Buddy Sbona could walk through City Hall practically unnoticed. But his booming voice, and his tremendous enthusiasm, announced to anyone within earshot that Buddy was in the building, ready to work hard on behalf of the people of Middletown.

Those who worked with Buddy Sbona remember him as a man with real passion for his work, a man who would come to the office each day excited to serve his constituents. That infectious attitude was an inspiration to his staff members, some of whom went on to hold public office themselves. During his later years, and even after he left office, he was an invaluable mentor to newcomers to public service, sharing with them his immense wealth of knowledge about Middletown's history, its politics, and its government.

Outside of the office, Buddy Sbona was a devoted family man who could often be spotted at his son's high school football games at Palmer Field. He was also an active member of St. Sebastian's Church and was the chairman of the Feast of St. Sebastian Committee for a decade.

It is a testimony to how hard Buddy Sbona worked, and how many lives he touched, that on Friday, August 8, all nonemergency city workers in Middletown were given the morning off to attend his funeral. Nearly 30 years after he left the mayor's office, the city of Middletown shut itself down to pay its respects to Buddy Sbona.

I offer my deepest condolences to the people of Middletown, to Buddy's wife Connie, to their sons William and Mark, to the entire Sbona family, and to the countless others whose lives were enriched by Buddy Sbona.●

#### HONORING STAFF SERGEANT MARK LAWTON

● Mr. ALLARD. Mr. President, I rise today to honor one of our fallen heroes of my State and this great Nation. SSG Mark A. Lawton was killed in action while serving our country in support of Operation Iraqi Freedom.

Sergeant Lawton served honorably with the 244th Engineer Battalion, U.S. Army Reserve of Grand Junction, CO. He was one of the many citizens soldiers who took up the charge and left family and career when asked to defend the principles of freedom and democracy. Like all reservists and National Guard members, he balanced his responsibilities to his country with those to all that cared for and depended on him.

Staff Sergeant Lawton's unit was activated in February and are responsible for constructing roads and bridges, improving irrigation and building playgrounds for the children of Iraq. The 244th is creating a better place for Iraqis, and Sergeant Lawton helped raise the quality of life. Colorado is proud of the actions of Sergeant Lawton, the 244th and all of our servicemen and women serving during this operation.

Staff Sergeant Lawton lived in Hayden, CO, with his wife, Sherri, and two sons, Dustin and Tanner.

Mr. President, I rise today to posthumously thank Staff Sergeant Lawton for his service and ultimate sacrifice to this great Nation and applaud him as a hero to Colorado and all of the United States.●

#### MESSAGE FROM THE HOUSE

At 11:55 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 6). An Act to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints for the consideration of the House bill and Senate amendment, and modifications committed to conference:

From the Committee on Energy and Commerce, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. Tauzin, Mr. Bilirakis, Mr. Barton of Texas, Mr. Upton, Mr. Stearns, Mr. Gillmore, Mr. Shimkus, Mr. Dingell, Mr. Waxman, Mr. Markey, Mr. Boucher, and Mr. Rush.

From the Committee on Agriculture, for consideration of sections 30202, 30208, 30212, title III of division C, sections 30604, 30901, and 30903 of the House bill and sections 265, 301, 604, 941-948, 950, 1103, 1221, 1311-1313, and 2008 of the Senate amendment, and modifications committed to conference: Mr. Goodlatte, Mr. Lucas of Oklahoma, and Mr. Stenholm.

From the Committee on Armed Services, for consideration of sections 11005, 11010,

14001-14007, 14009-14015, 21805, and 21806 of the House bill and sections 301, 501-507, 509, 513, 809, 821, 914, 920, 1401, 1407-1409, 1411, 1801, and 1803 of the Senate amendment, and modifications committed to conference: Mr. Hunter, Mr. Weldon of Pennsylvania, and Mr. Skelton.

From the Committee on Education and the Workforce, for consideration of sections 11021, 12014, 14033, and 30406 of the House bill and sections 715, 774, 901, 903, 1505, and 1507 of the Senate amendment, and modifications committed to conference: Mr. McKeon, Mr. Sam Johnson of Texas, and Mr. George Miller of California.

From the Committee on Financial Services, for consideration of division G of the House bill and sections 931-940 and 950 of the Senate amendment, and modifications committed to conference: Mr. Oxley, Mr. Ney, and Ms. Waters.

From the Committee on Government Reform for consideration of sections 11002, 11005, 11006, 11010, 11011, 14025, 14033, and 22002 of the House bill and sections 263, 805, 806, 914-916, 918, 920, 1406, 1410 of the Senate amendment, and modifications committed to conference: Mr. Tom Davis of Virginia, Mr. Murphy, and Mr. Tierney.

From the Committee on the Judiciary, for consideration of sections 12008, 12401, 14014, 14026, 14027, 14028, 14033, 16012, 16045, 16084, 30101, 30210, and 30408 of the House bill and sections 206, 209, 253, 531-532, 708, 767, 783, and 1109 of the Senate amendment, and modifications committed to conference: Mr. Sensenbrenner, Mr. Smith of Texas, and Mr. Conyers.

From the Committee on Resources, for consideration of sections 12005, 12007, 12011, 12101, 13001, 21501, 21521-21530, division C, and section 60009 of the House bill and sections 201, 265, 272, 301, 401-407, 602-606, 609, 612, 705, 707, 712, 721, 1234, 1351-1352, 1704, and 1811 of the Senate amendment, and modifications committed to conference: Mr. Pombo, Mrs. Cubin, and Mr. Rahall:

Provided, That Mr. Kind is appointed in lieu of Mr. Rahall for consideration of title IV of division C of the House bill, and modifications committed to conference.

From the Committee on Science, for consideration of sections 11009, 11025, 12301-12312, 14001-14007, 14009-14015, 14029, 15021-15024, 15031-15034, 15041, 15045, division B, section 30301, division E, and division F of the House bill and sections 501-507, 509, 513-516, 770-772, 807-809, 814-816, 824, 832, 1001-1022, title XI, title XII, title XIII, title XIV, sections 1502, 1504-1505, title XVI, and sections 1801-1805 of the Senate amendment, and modifications committed to conference: Mr. Boehlert, Mrs. Biggert, and Mr. Hall of Texas.

Provided, That Mr. Costello is appointed in lieu of Mr. Hall of Texas for consideration of division E of the House bill, and modifications committed to conference:

Provided further, That Mr. Lampson is appointed in lieu of Mr. Hall of Texas for consideration of section 21708 and division F of the House bill, and sections 824 and 1223 of the Senate amendment and modifications committed to conference.

From the Committee on Transportation and Infrastructure, for consideration of sections 11001-11004, 11006, 11009-11011, 12001-12012, 12014, 12401, 12403, 13001, 13201, 13202, 15021-15024, 15031-15034, 15041, 15043, 15051, 16012, 16021, 16022, 16023, 16031, 16081, 16082, 16092, 23001-23004, 30407, 30410, and 30901 of the House bill and sections 102, 201, 205, 301, 701-783, 812, 814, 816, 823, 911-916, 918-920, 949, 1214, 1261-1262, and 1351-1352 of the Senate amendment, and modifications committed to conference: Mr. Young of Alaska, Mr. Petri, and Mr. Oberstar.

From the Committee on Ways and Means, for consideration of division D of the House

bill and divisions H and I of the Senate amendment, and modifications committed to conference: Mr. Thomas, Mr. McCrey, and Mr. Rangel.

#### 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-3818. A communication from the Director, Information Security Oversight Office, transmitting, the Office's report for 2002; to the Committee on Governmental Affairs.

EC-3819. A communication from the President of the District of Columbia Board of Education, transmitting, pursuant to law, a report relative to the Fiscal Year 2004 Budget Support Act; to the Committee on Governmental Affairs.

EC-3820. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of the Office of Inspector General for the period ending March 31, 2002; to the Committee on Governmental Affairs.

EC-3821. A communication from the Director, Bureau of the Census, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Automated Export System Mandatory Filing for Items on the Commerce Control List and the United States Munitions List that Currently Require a Shipper's Export Declaration" (RIN0607-AA34) received on August 22, 2003; to the Committee on Governmental Affairs.

EC-3822. A communication from the Director, Bureau of the Census, transmitting, pursuant to law, the report of a rule entitled "Amendments to Age Search Procedures" (0607-AA24) received on August 22, 2003; to the Committee on Governmental Affairs.

EC-3823. A communication from the Administrator, Agency for International Development, transmitting, pursuant to law, the report of the Office of Inspector General for the period ending March 31, 2003; to the Committee on Governmental Affairs.

EC-3824. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the report of the Office of Inspector General for the period ending March 31, 2003; to the Committee on Governmental Affairs.

EC-3825. 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 2003-58) received on August 11, 2003; to the Committee on Finance.

EC-3826. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Modification of Notice 2003-36 (Simplified Service Cost and Simplified Production Methods)" (Notice 2003-59) received on August 11, 2003; to the Committee on Finance.

EC-3827. 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 June 2003" (Rev. Rul. 2003-100) received on August 11, 2003; to the Committee on Finance.

EC-3828. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—September 2003" (Rev. Rul. 2003-101) received on August 11, 2003; to the Committee on Finance.

EC-3829. A communication from the Chief, Regulations Unit, Internal Revenue Service,

transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—September 2003" (Rev. Rul. 2003-101) received on August 11, 2003; to the Committee on Finance.

EC-3830. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "TD: User Fees for Processing Offers to Compromise" (TD9086) received on August 11, 2003; to the Committee on Finance.

EC-3831. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "July-September 2003 Bond Factor Amounts" (Rev. Rul. 2003-93) received on August 11, 2003; to the Committee on Finance.

EC-3832. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Offers in Compromise" (Rev. Proc. 2003-71) received on August 11, 2003; to the Committee on Finance.

EC-3833. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Exclusions from Gross Income of Foreign Corporations" (RIN1547-BA07) received on August 11, 2003; to the Committee on Finance.

EC-3834. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Compensatory Stock Options Under Section 482" (RIN1545-BA57) received on August 11, 2003; to the Committee on Finance.

EC-3835. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "2003 National Pool" (Rev. Proc. 2003-67) received on August 11, 2003; to the Committee on Finance.

EC-3836. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Modification of Rev. Proc. 2003-44" (Rev. Proc. 2003-72) received on August 11, 2003; to the Committee on Finance.

EC-3837. A communication from the Chairman, International Trade Commission, transmitting, Commission's report on the operation of the United States trade agreements program; to the Committee on Finance.

EC-3838. A communication from the Secretary of the Treasury, transmitting, a report relative to the Federal Hospital Insurance Fund; to the Committee on Finance.

EC-3839. A communication from the Regulations Coordinator, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program—Electronic Submission of Cost Report" (RIN0938-AL51) received on August 26, 2003; to the Committee on Finance.

EC-3840. A communication from the Regulations Coordinator, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Electronic Submission of Medicare Claims" (RIN0938-AM22) received on August 26, 2003; to the Committee on Finance.

EC-3841. A communication from the Regulations Coordinator, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Modifications to Managed Care Rules" (RIN0938-AK71) received on August 26, 2003; to the Committee on Finance.

EC-3842. A communication from the Senior Attorney, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Federal Government Participation in the

Automated Clearing House" (RIN1510-AA93) received on August 22, 2003; to the Committee on Finance.

EC-3843. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Collection of Supplemental Security Income Overpayments from Special Benefits for Certain World War II Veterans" (RIN0930-AF53) received on August 11, 2003; to the Committee on Finance.

EC-3844. A communication from the Chief, Regulations Branch, Bureau of Customs and Border Protection, transmitting, pursuant to law, the report of a rule entitled "Tonnage Duties-Revised Amounts" (RIN1515-AD35) received on August 11, 2003; to the Committee on Finance.

EC-3845. A communication from the Chief, Regulations Branch, Bureau of Customs and Border Protection, transmitting, pursuant to law, the report of a rule entitled "Changes to Customs and Border Protection's List of Designated Public International Organizations" (CBP Decision 03-21) received on August 11, 2003; to the Committee on Finance.

EC-3846. A communication from the Chief, Regulations Branch, Bureau of Customs and Border Protection, transmitting, pursuant to law, the report of a rule entitled "Manufacturing Substitution Drawback; Duty Appointment" (RIN1515-AD02) received on August 11, 2003; to the Committee on Finance.

EC-3847. A communication from the Vice President of the United States, transmitting, pursuant to law, relative to the emigration laws and policies of Armenia, Azerbaijan, Kazakhstan, Moldova, the Russian Federation, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan; to the Committee on Finance.

EC-3848. A communication from the Vice President of the United States, transmitting, the report of a waiver relative to the Act of Turkmenistan; to the Committee on Finance.

EC-3849. A communication from the Program Analyst, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Waterloo, IA" (RIN2120-AA66) received on August 26, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3850. A communication from the Program Analyst, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Webster City, IA" (RIN2120-AA66) received on August 26, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3851. A communication from the Program Analyst, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; West Union, IA" (RIN2120-AA66) received on August 26, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3852. A communication from the Program Analyst, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; West Union, IA" (RIN2120-AA66) received on August 26, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3853. A communication from the Program Analyst, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "IFR Altitudes; Miscellaneous Amendments (11), Amdt. no. 443" (RIN2120-AA63) received on August 26, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3854. A communication from the Program Analyst, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "IFR Altitudes; Miscellaneous Amendments (24); Amendment

No. 442" (RIN2120-AA63) received on August 26, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3855. A communication from the Program Analyst, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E5 Airspace; Tuscaloosa, AL; CORRECTION" (RIN2120-AA66) received on August 26, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3856. A communication from the Program Analyst, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: BAE Systems Limited Model 4101 Airplanes" (RIN2120-AA64) received on August 26, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3857. A communication from the Program Analyst, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Rolls Royce RB211 Series Turbofan Engines" (RIN2120-AA64) received on August 26, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3858. A communication from the Program Analyst, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directive: CORRECTION Boeing Model 737 200, 200C, 300, 400, and 500 Series Airplanes" (RIN2120-AA64) received on August 26, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3859. A communication from the Program Analyst, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Aerospatiale Model ATR 42 Series Airplanes; and Model ATR72 Series Airplanes" (RIN2120-AA64) received on August 26, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3860. A communication from the Program Analyst, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Aerospatiale Model ATR72 Series Airplanes" (RIN2120-AA64) received on August 26, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3861. A communication from the Program Analyst, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 767 Series Airplanes" (RIN2120-AA64) received on August 26, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3862. A communication from the Program Analyst, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model C1 600 2N19 Airplanes" (RIN2120-AA64) received on August 26, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3863. A communication from the Program Analyst, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model DHC 8 102, 103, 106, 201, 202, 311, and 315 Airplanes" (RIN2120-AA64) received on August 26, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3864. A communication from the Program Analyst, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 767-200 and 300 Series Airplanes" (RIN2120-AA64) received on August 26, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3865. A communication from the Program Analyst, Federal Aviation Administration,

transmitting, pursuant to law, the report of a rule entitled "Airworthiness: Eurocopter France Model SA-365N2, AS 365N3, SA 366G1, AS355F, F1, F2, N, and EC130 Helicopters" (RIN2120-AA64) received on August 26, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3866. A communication from the Program Analyst, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Rolls Royce plc RB211-524G2, 524G2T, 524G3, 524G3T, 524H, 524H-t, 524H2, and 524H2t Series, and models RB211, Trent 768-60, 773-60, and 772B 60 Turbofan Engines" (RIN2120-AA64) received on August 26, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3867. A communication from the Program Analyst, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McCauley Propeller System, Inc., Propeller Hub Models B5JFR36C1101, C5FR36C1, C5JFR36C1102, B5JFR36C1103, and C5JFR36C1104" (RIN2120-AA64) received on August 26, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3868. A communication from the Program Analyst, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 767-200, 300, 300F Series Airplanes" (RIN2120-AA64) received on August 26, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3869. A communication from the Program Analyst, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Rolls Royce Corporation Models 250 C30R/3, C30R/3M, C47B, and C47M Turbofan Engines" (RIN2120-AA64) received on August 26, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3870. A communication from the Program Analyst, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Pilatus Aircraft Ltd Models PC 12 and PC 12/45 Airplanes" (RIN2120-AA64) received on August 26, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3871. A communication from the Program Analyst, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Empresa Brasileira de Aeronautica SA Model EMB 135 and 145 Series Airplanes" (RIN2120-AA64) received on August 26, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3872. A communication from the Program Analyst, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747-100, 100B SUD, 200F, 200C, 300, 400, 400D, 400F, and 747 SR Series Airplanes" (RIN2120-AA64) received on August 26, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3873. A communication from the Program Analyst, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Lockheed Model 382G Series Airplanes" (RIN2120-AA64) received on August 26, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3874. A communication from the Program Analyst, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Sikorsky Aircraft Corp Models S76A, B, and C Helicopters" (RIN2120-AA64) received on August 26, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3875. A communication from the Program Analyst, Federal Aviation Administration,

transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model SA 330F, G, and J, AS332C, L, and 11, SA 341G, SA342J, AS350B, BA, B1, B2, B#, and D; AS335E, F, F1, F2, and N, SA 3655C, C1, C2, SA365NB, and N1, and AS365N2, and N3 Helicopters" (RIN2120-AA64) received on August 26, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3876. A communication from the Program Analyst, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Aerospace Technologies of Australia Pty Ltd Models N22B and N24A Airplanes" (RIN2120-AA64) received on August 26, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3877. A communication from the Program Analyst, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Lockheed Martin Models L-1011 Airplanes and Rolls Royce plc RB211 Series Turbofan Engines" (RIN2120-AA64) received on August 26, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3878. A communication from the Program Analyst, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: DOD Commercial Air Carrier Evaluators; Request for Comments" (RIN2120-AI00) received on August 26, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3879. A communication from the Program Analyst, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Revision of Public Aircraft Definition ; Technical Amendment" (RIN2120-ZZ42) received on August 26, 2003 ; to the Committee on Commerce, Science, and Transportation.

EC-3880. A communication from the Program Analyst, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Revisions to Digital Data Recorder Requirements—Changes to Recording Specifications and Additional Exceptions" (RIN2120-AH81) received on August 26, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3881. A communication from the Program Analyst, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Flightdeck Security on Large Cargo Airplanes; Request for Comments" (RIN2120-AH96) received on August 26, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3882. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna; General Category Closure" (ID112801A) received on August 11, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3883. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "NMFS is prohibiting retention of northern rockfish in the Bering Sea subarea of the Bering Sea and Aleutian Islands management area. NMFS is requiring that catch of northern rockfish in this area be treated in the same manner as prohibited species and discarded at sea with a minimum of injury. This action is necessary because the amount of the 2002 total allowable catch (TAC) of northern rockfish in this area has been achieved" received on August 11, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3884. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closure of the Commercial Fisher for Red Snapper in the EEZ of the Gulf of Mexico" received on August 11, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3885. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closure. Prohibition of Retention of Other Rockfish in the Central Regulatory Area of the Gulf of Alaska" (ID080103A) received on August 11, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3886. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closure: Prohibition of Retention of Shortaker/Rougheye Rockfish in the Central Regulatory Area of the Gulf of Alaska" (ID080103B) received on August 11, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3887. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closure of Directed Fishing for Species in the Rock Sole/Flathead Sole "Other Flatfish" Fishery Category by Vessels Using Trawl Gear in the BSAI Management Area" received on August 11, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3888. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closure; Prohibiting Directed Fishing for Greenland Turbot in the Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area (BSAI)" (RIN0679) received on August 11, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3889. A communication from the Deputy Assistant Administrator for Operations, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Northeast Multispecies Fishery: Interim Final Rule" (RIN0648-AP78) received on August 11, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3890. A communication from the Deputy Assistant Administrator for Operations, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Final Rule for Recreational Fisheries for Summer Flounder, Scup, and Black Sea Bass" (RIN0648-AQ32) received on August 11, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3891. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "NMFS is closing directed fishing for yellowfin sole by vessels using trawl gear in the Bering Sea and Aleutian Islands Management Area (BSAI). This action is necessary to prevent exceeding the first seasonal apportionment of the 2002 Pacific halibut bycatch allowance specified for the yellowfin sole fishery category" received on August 11, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3892. A communication from the Attorney Advisor, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a vacancy for the position of Deputy Secretary, Department of Transportation, received on September 2,

2003; to the Committee on Commerce, Science, and Transportation.

EC-3893. A communication from the Deputy Assistant Administrator for Ocean Services and Coastal Zone Management, National Ocean Service, Center for Sponsored Coastal Ocean Research Coastal Ocean Program, transmitting, pursuant to law, the report of a rule entitled "Coastal Ocean Program Supplemental Notice of Funds Availability for the Northern Gulf of Mexico Program FY03" (RIN0648-ZB78) received on September 2, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3894. A communication from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Requirements for Cargo Tanks; Response to Appeals" (RIN2137-AC90) received on September 2, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3895. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Railroad Locomotive Safety Standards: Clarifying Amendments; Headlights and Auxiliary Lights" (RIN2130-AB58) received on September 2, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3896. A communication from the Senior Regulations Analyst, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Oversales Signs" (RIN2105-AC45) received on September 2, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3897. A communication from the Acting Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations (Including 3 Regulations): [CGD09-03-265], [CGD05-03-122], [13-03-029]" (RIN1625-AA00) received on September 2, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3898. A communication from the Acting Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: [COTP Tampa 02-053] Tampa Bay, Port of Tampa, Port of Saint Petersburg, Port Manatee, Rattlesnake, Old Port Tampa, and Crystal River, Florida" (RIN1625-AA00) received on September 2, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3899. A communication from the Acting Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Regatta and Marine Parade Regulation; Special Local Reg.: Hampton River, Hampton, VA" (RIN1625-AA00) received on September 2, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3900. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Safety Security Zone Regulations: (Including 72 Regulations)" (RIN1625-AA00) received on August 13, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3901. A communication from the Assistant Chief Counsel for Regulations, Office of the Chief Counsel, Transportation Security Administration, transmitting, pursuant to law, the report of a rule entitled "Transportation Security Administration Transition to Department of Homeland Security; Technical Amendments Reflecting Organizational Changes" received on August 13, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3902. A communication from the Attorney Advisor, Department of Transportation, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary for Governmental Affairs, received on September 2, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3903. A communication from the Acting Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Conformance with Federal Acquisition Circular (FAC) 201-14 and Miscellaneous" (RIN2700-AC72) received on September 2, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3904. A communication from the Acting Assistant Administrator, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "NOAA Office of Ocean Exploration Announcement of Funding Opportunity, Fiscal Year 2004" received on September 2, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3905. A communication from the Assistant Division Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Numbering Resource Organization; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996; Telephone Number Portability" (FCC03-126) received on August 11, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3906. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to using law enforcement officers for conducting post-accident alcohol testing of commercial motor vehicle operators; to the Committee on Commerce, Science, and Transportation.

EC-3907. A communication from the Attorney Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Garmin International, Inc." (FCC03-26) received on August 11, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3908. A communication from the Attorney Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 1.937 of the Commission's Rules Concerning Repetitious or Conflicting Applications" (FCC03-79) received on August 11, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3909. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Implementation of Section 304 of the Telecommunications Act of 1996; Commercial Availability of Navigation Devices" (FCC03-89) received on August 11, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3910. A communication from the Acting General Counsel, Office of General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Standardization of Generator Interconnection Agreements and Procedures" (Doc. No. RM02-1-000) received on August 11, 2003; to the Committee on Energy and Natural Resources.

EC-3911. A communication from the General Counsel, Office of the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Revised Public Utility Filing Requirements, Final Rule, Order No.

2001" (Doc. No. RM01-8-000) received on September 2, 2003; to the Committee on Energy and Natural Resources.

EC-3912. A communication from the General Counsel, Office of the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Standards for Business Practices of Interstate Natural Gas Pipelines" (Doc. No. RM96-1-020) received on September 2, 2003; to the Committee on Energy and Natural Resources.

EC-3913. A communication from the Director of Human Resources, Department of Energy, transmitting, pursuant to law, the report of a nomination for the position of Deputy Administrator, Defense Nuclear Nonproliferation, received on September 2, 2003; to the Committee on Energy and Natural Resources.

EC-3914. A communication from the Director of Human Resources Management, Department of Energy, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary for Congressional and Intergovernmental Affairs received on September 2, 2003; to the Committee on Energy and Natural Resources.

EC-3915. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Pennsylvania Regulatory Program" (PA-142-FOR) received on August 26, 2003; to the Committee on Energy and Natural Resources.

EC-3916. A communication from the General Counsel, Office of the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Final Rule: Hydroelectric Licensing Under the Federal Power Act" (RM02-16-000) received on August 11, 2003; to the Committee on Energy and Natural Resources.

EC-3917. A communication from the Assistant Secretary for Fish and Wildlife, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants: Final Rule to Establish Thirteen Additional Manatee Protection Areas in Florida" (RIN1018-AJ06) received on August 11, 2003; to the Committee on Energy and Natural Resources.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BOND, from the Committee on Appropriations, without amendment:

S. 1584. An original bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commission, corporations, and offices for the fiscal year ending September 30, 2004, and for other purposes (Rept. No. 108-143).

By Mr. GREGG, from the Committee on Appropriations, without amendment:

S. 1585. An original bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2004, and for other purposes (Rept. No. 108-144).

By Mr. STEVENS, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2004" (Rept. No. 108-145).

By Ms. COLLINS, from the Committee on Governmental Affairs, with amendments:

S. 1166. A bill to establish a Department of Defense national security personnel system and for other purposes.

S. 1245. A bill to provide for homeland security grant coordination and simplification, and for other purposes.

#### 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. BOND:

S. 1584. An original bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2004, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. GREGG:

S. 1585. An original bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. SCHUMER (for himself, Mr. BUNNING, Mrs. DOLE, Mr. DURBIN, Mr. GRAHAM of South Carolina, and Mr. BAYH):

S. 1586. A bill to authorize appropriate action if the negotiations with the People's Republic of China regarding China's undervalued currency and currency manipulations are not successful; to the Committee on Finance.

By Mr. BIDEN (for himself, Mr. SPECTER, Mr. HOLLINGS, and Mr. CARPER):

S. 1587. A bill to make it a criminal act to willfully use a weapon, explosive, chemical weapon, or nuclear or radioactive material with the intent to cause death or serious bodily injury to any person while on board a passenger vessel, and for other purposes; to the Committee on the Judiciary.

By Ms. LANDRIEU:

S. 1588. A bill to authorize the National Institute of Environmental Health Sciences to develop multidisciplinary research centers regarding women's health and disease prevention and conduct and coordinate a research program on hormone disruption, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MILLER (for himself, Ms. COLLINS, Mr. INOUE, Mr. CHAMBLISS, Mr. LEVIN, Mr. DASCHLE, Mr. NELSON of Nebraska, and Mr. WARNER):

S. Con. Res. 64. A concurrent resolution to commend members of the United States Armed Forces for their services to the United States in the liberation of Iraq, and for other purposes; considered and agreed to.

By Mr. MILLER (for himself, Ms. COLLINS, Mr. INOUE, Mr. CHAMBLISS, and Mr. WARNER):

S. Con. Res. 65. A concurrent resolution to commend the Third Infantry Division (Mechanized) of the United States Army for its role in the liberation of Iraq; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 392

At the request of Mr. REID, the names of the Senator from Texas (Mr. CORNYN) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. 392, a bill to amend

title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 423

At the request of Ms. COLLINS, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 423, a bill to promote health care coverage parity for individuals participating in legal recreational activities or legal transportation activities.

S. 514

At the request of Mr. BUNNING, the names of the Senator from Nevada (Mr. ENSIGN) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 514, a bill to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits.

S. 586

At the request of Mr. CORZINE, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 586, a bill to provide additional funding for the second round of empowerment zones and enterprise communities.

S. 623

At the request of Mr. WARNER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 623, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 818

At the request of Ms. SNOWE, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 818, a bill to ensure the independence and nonpartisan operation of the Office of Advocacy of the Small Business Administration.

S. 894

At the request of Mr. WARNER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor 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. 896

At the request of Mrs. MURRAY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 896, a bill to establish a public education and awareness program relating to emergency contraception.

S. 976

At the request of Mr. WARNER, the name of the Senator from Colorado (Mr. CAMPBELL) 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. 1046

At the request of Ms. MIKULSKI, her name was added as a cosponsor of S. 1046, a bill to amend the Communications Act of 1934 to preserve localism, to foster and promote the diversity of television programming, to foster and promote competition, and to prevent excessive concentration of ownership of the nation's television broadcast stations.

S. 1159

At the request of Mr. BINGAMAN, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 1159, a bill to provide for programs and activities to improve the health of Hispanic individuals, and for other purposes.

S. 1177

At the request of Mrs. DOLE, her name was added as a cosponsor of S. 1177, a bill to ensure the collection of all cigarette taxes, and for other purposes.

S. 1210

At the request of Mr. JEFFORDS, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1210, a bill to assist in the conservation of marine turtles and the nesting habitats of marine turtles in foreign countries.

S. 1245

At the request of Ms. COLLINS, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 1245, a bill to provide for homeland security grant coordination and simplification, and for other purposes.

S. 1303

At the request of Mr. BROWNBACk, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1303, a bill to amend title XVIII of the Social Security Act and otherwise revise the Medicare Program to reform the method of paying for covered drugs, drug administration services, and chemotherapy support services.

S. 1465

At the request of Mr. FRIST, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1465, a bill to authorize the President to award a gold medal on behalf of Congress honoring Wilma G. Rudolph, in recognition of her enduring contributions to humanity and women's athletics in the United States and the world.

S. 1519

At the request of Mr. BINGAMAN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1519, a bill to amend title XIX of the Social Security Act to extend medicare cost-sharing for qualifying individuals through 2004.

S. 1570

At the request of Mr. SANTORUM, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1570, a bill to amend the Internal

Revenue Code of 1986 to allow individuals a refundable credit against income tax for the purchase of private health insurance, and to establish State health insurance safety-net programs.

S. RES. 210

At the request of Mr. HATCH, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. Res. 210, a resolution expressing the sense of the Senate that supporting a balance between work and personal life is in the best interest of national worker productivity, and that the President should issue a proclamation designating October of 2003 as "National Work and Family Month".

S. RES. 212

At the request of Mr. BROWNBACk, his name was withdrawn as a cosponsor of S. Res. 212, a resolution welcoming His Holiness the Fourteenth Dalai Lama and recognizing his commitment to non-violence, human rights, freedom, and democracy.

S. RES. 217

At the request of Mr. CONRAD, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. Res. 217, a resolution expressing the sense of the Senate regarding the goals of the United States in the Doha Round of the World Trade Organization agriculture negotiations.

AMENDMENT NO. 1571

At the request of Mr. DEWINE, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of amendment No. 1571 intended to be proposed to H.R. 2660, a bill 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.

AMENDMENT NO. 1572

At the request of Mr. DODD, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of amendment No. 1572 proposed to H.R. 2660, a bill 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.

AMENDMENT NO. 1575

At the request of Mrs. CLINTON, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of amendment No. 1575 proposed to H.R. 2660, a bill 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.

AMENDMENT NO. 1575

At the request of Mr. LEVIN, his name was added as a cosponsor of amendment No. 1575 proposed to H.R. 2660, supra.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BIDEN (for himself, Mr. SPECTER, Mr. HOLLINGS, and Mr. CARPER):

S. 1587. A bill to make it a criminal act to willfully use a weapon, explosive, chemical weapon, or nuclear or radioactive material with the intent to cause death or serious bodily injury to any person while on board a passenger vessel, and for other purposes; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, I rise today to introduce, along with my colleague Senator SPECTER, the "Reducing Crime and Terrorism at America's Seaports Act of 2003." About a year ago, the Independent Task Force on Homeland Security Imperatives, co-chaired by former Senators Gary Hart and Warren Rudman and sponsored by the Council on Foreign Relations, released its report in which it concluded that "America remains dangerously unprepared to prevent and respond to a catastrophic attack on U.S. soil." The report received considerable media fanfare and inspired eloquent proclamations about the need to strengthen America's domestic security agenda—but sadly, in the ensuing months, we have done little to protect one of the key vulnerabilities identified by the task force, this nation's seaports.

The 361 seaports in the United States serve essential national interests by facilitating the flow of trade and the movement of cruise passengers, as well as supporting the effective and safe deployment of U.S. Armed Forces. Yet, our attention to the security needs of seaport facilities and other marine areas, which cover some 3.5 million square miles of ocean area and 95,000 miles of coastline, has been inadequate—especially when you consider the sheer volume of traffic that moves through our seaports and along our waterways each year.

Annually, U.S. seaports handle more than 141 million ferry and cruise ship passengers and unfathomable amounts of waterborne commerce, more than 2 billion tons of domestic and international freight and 3 billion tons of oil. Each year, millions of truck-size cargo containers are off-loaded onto U.S. docks—yet, as the Hart-Rudman Report noted, "only the tiniest percentage of [these] containers . . . are subject to examination—and a weapon of mass destruction could well be hidden among this cargo." Indeed, only about 2 percent of the nearly 6 million cargo containers that pass through the U.S. are inspected each year—and, according to some expert reports, only 30 percent of that cargo contains material that matches the cargo manifest.

The 2002 Hart-Rudman Report was both timely and important in that it shed new light on these glaring vulnerabilities and, in the process, re-energized the debate surrounding America's national security needs. However, the report's findings were hardly new. Two years earlier, the

Interagency Commission on Crime and Security at U.S. Seaports, a blue-ribbon government panel, had similarly noted that seaports and the "maritime mode" were especially vulnerable and that they did "not exhibit a substantial security or anti-terrorism profile, particularly when compared with the emphasis commercial aviation places on these activities." The Interagency Commission concluded that "terrorism, serious crime and inadequate cargo control are the most obvious threat vectors in seaports today."

With that in mind, last Congress, Senator SPECTER and I introduced legislation designed to update Federal law to address critical security issues at U.S. seaports. We have re-tooled and re-focused that legislation, making important improvements and taking account of recent changes in the law. Today, we re-introduce the "Reducing Crime and Terrorism at America's Seaports Act of 2003," which addresses all three threats identified by the Interagency Commission—terrorism, serious crime and inadequate cargo control.

Here is a summary of some of the pressing vulnerabilities that the legislation would address directly: *First*, the Interagency Commission concluded that "control of access to the seaport or sensitive areas within the seaports" poses one of the greatest potential threats to port security. Such unauthorized access continues and exposes the nation's seaports, and the communities that surround them, to acts of terrorism, sabotage or theft. In response, the Biden-Specter Bill would double the maximum term of imprisonment for anyone who fraudulently gains access to a seaport or waterfront.

*Second*, an estimated 95 percent of the cargo shipped to the U.S. from foreign countries, other than Canada and Mexico, arrives through out seaports. Accordingly, the Interagency Commission found that this enormous flow of goods through U.S. ports provides a tempting target for terrorists and others to smuggle illicit cargo into the country, while also making "our ports potential targets for terrorist attacks." In addition, the smuggling of non-dangerous, but illicit, cargo may be used to finance terrorism. Despite the gravity of the threat, we continue to operate in an environment in which terrorists and criminals can evade detection by underreporting and misreporting the content of cargo. In one review by the U.S. Customs Service, nearly 20 percent of the carrier arrivals in the sample were discrepant, i.e., carried more or fewer containers than were listed on the manifest. In an earlier review, Customs found a 53 percent discrepant rate. Even where this improperly-reported cargo is legitimate, it needlessly diverts precious resources and attention away from the job of detecting terrorists and serious criminals. To deter this problem, the Biden-Specter Bill would increase penalties for noncompliance with certain manifest reporting and record-keeping

requirements, including information regarding the content of cargo containers and the country from which the shipments originated.

*Third*, the Coast Guard is the main Federal agency responsible for law enforcement at sea. Yet, its ability to force a vessel to stop or be boarded is limited. While the Coast Guard has the authority to use whatever force is reasonably necessary, a vessel operator's refusal to stop is not currently a crime. The Biden-Specter Bill would make it a crime for a vessel operator to fail to slow or stop a ship once ordered to do so by a federal law enforcement officer; for any person on board a vessel to impede boarding or other law enforcement action authorized by Federal law; or for any person on board a vessel to provide false information to a federal law enforcement officer.

*Fourth*, The Coast Guard maintains over 50,000 navigational aids on more than 25,000 miles of waterways. These aids, which are relied upon by all commercial, military and recreational mariners, are critical for safe navigation by commercial and military vessels. Accordingly, they are inviting targets for terrorists. The Biden-Specter Bill would make it a crime to endanger the safe navigation of a ship by damaging any maritime navigational aid maintained by the Coast Guard; place in the waters anything which is likely to damage a vessel or its cargo, interfere with a vessel's safe navigation, or interfere with maritime commerce; or dump a hazardous substance into U.S. waters, with the intent to endanger human life or welfare.

*Fifth*, each year, thousands of ships, including cruise ships, whose numbers have swelled enormously over the last half century, enter and leave the U.S. through seaports. Smugglers and terrorists exploit this massive flow of maritime traffic to transport dangerous materials and dangerous people into this country. The Biden-Specter Bill would make it a crime to use a vessel to smuggle into the United States either a terrorist or any explosive or other dangerous material for use in committing a terrorist act.

*Sixth*, under current Federal law, it is a crime to destroy an aircraft or aircraft facilities. Incredibly, there are no equivalent Federal prohibitions in the maritime context. Given the magnitude of the threat against America's seaports, we should provide the same protection to seaports that we do for airports. The Biden-Specter Bill would make it a crime to damage or destroy any part of a ship, a maritime facility, or anything used to load or unload cargo and passengers; commit a violent assault on anyone at a maritime facility; or knowingly communicate a hoax in a way which endangers the safety of a vessel.

*Seventh*, according to the Interagency Commission, "at many seaports, the carrying of firearms is not restricted, and thus internal conspirators and other criminals are allowed

armed access to cargo vessels and cruise line terminals." Currently, Federal law prohibits carrying firearms into airports, which is a sensible step to protect against possible terrorist attacks or other criminal activity. We should provide the same protections currently afforded to airports to our seaports and passenger vessels. The Biden-Specter Bill would prohibit the carrying of a dangerous weapon, including a firearm or explosive, at a seaport or on board a vessel.

*Eighth*, as a consequence of the vast amount of waterborne commerce, cargo theft has become a major problem. Yet, there is no national data collection and reporting system that captures the magnitude of serious crime at seaports. Given the importance of free-flowing commerce to our nation's economy and the reported trafficking and sale of contraband to finance terrorist activity, it is especially important that we work to assess and correct the problem. The Biden-Specter Bill would require the reporting of cargo theft offenses. It would also instruct the Attorney General to create a database containing the reported information, which would be made available to appropriate governmental officials while respecting important privacy protections. Importantly, organizations like the American Institute of Marine Underwriters and the Inland Marine Underwriters Association have specifically expressed their strong support for this provision.

And, ninth, the Interagency Commission concluded that existing laws are not stiff enough to stop certain crimes, including cargo theft, at seaports. The Biden-Specter Bill would increase the maximum term of imprisonment for low-level thefts of interstate or foreign shipments from 1 year to 3 years and expand the statute to outlaw theft of goods from trailers, cargo containers, warehouses, and similar venues. The American Institute of Marine Underwriters and the Inland Marine Underwriters Association also have expressed strong support for this provision.

This comprehensive anti-crime and anti-terrorism legislation is the product of informal collaborations with ports, industry and labor groups, as well as interested federal agencies. As a result of the contributions by these groups, we believe that we have developed a strong, bipartisan bill that, once passed, will significantly improve federal criminal law; expand the array of tools available to investigators and prosecutors; and ensure that federal resources are appropriately invested.

We are delighted to have the support of organizations, like the American Association of Port Authorities (AAPA), with special knowledge and expertise in seaport and cargo security. In fact, the AAPA, which represents more than 150 public port authorities in the United States, Canada, the Caribbean and Latin America, has sent me a strong letter endorsing the legislation—a copy of which will appear in the record at the end of my statement.

In closing, in the aftermath of September 11th and given the ongoing and escalating terrorism perpetrated around the globe, surely we recognize that the conclusions contained in the Hart-Rudman Report were not mere hyperbole—but a clarion call for action. Needless to say, a terrorist attack against any one of this Nation's seaports would not only jeopardize human life, but could also bring the otherwise free flow of commerce to a screeching halt—exacting a hefty toll on the U.S. economy, world shipping, and international trade. That impact could be both devastating and far-reaching, and that is not even considering the effect of America's military readiness which depends on quick access to certain strategic ports in order to ensure effective mobilization and deployment of U.S. Armed Forces.

Given the threat, we must undertake to do all that we reasonably can to discourage and/or frustrate such an attack. This legislation, while not a cure-all, is an important step in the right direction. I implore my colleagues to join our effort and move quickly to enact this bill into law. America will be better for it.

Mr. President, I ask unanimous consent that the text of the bill and the letter from AAPA be printed in the RECORD.

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

S. 1587

*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 "Reducing Crime and Terrorism at America's Seaports Act of 2003".

#### SEC. 2. ENTRY BY FALSE PRETENSES TO ANY SEAPORT.

(a) IN GENERAL.—Section 1036 of title 18, United States Code, is amended—

(1) in subsection (a)—  
(A) in paragraph (2), by striking "or" at the end;

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

"(3) any secure area of any seaport; or";  
(2) in subsection (b)(1), by striking "5" and inserting "10";

(3) in subsection (c)—  
(A) in paragraph (1), by striking "and";  
(B) in paragraph (2), by striking the period and inserting "; and"; and

(C) by adding at the end the following:  
"(3) the term 'seaport' means any structure or facility of any kind located in, on, under, or adjacent to any waters subject to the jurisdiction of the United States."; and

(4) in the section heading, by inserting "or seaport" after "airport".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 47 of title 18 is amended by striking the matter relating to section 1036 and inserting the following:

"1036. Entry by false pretenses to any real property, vessel, or aircraft of the United States or secure area of any airport or seaport."

#### SEC. 3. CRIMINAL SANCTIONS FOR FAILURE TO HEAVE TO, OBSTRUCTION OF BOARDING, OR PROVIDING FALSE INFORMATION.

(a) OFFENSE.—Chapter 109 of title 18, United States Code, is amended by adding at the end the following:

"§ 2237. Criminal sanctions for failure to heave to, obstruction of boarding, or providing false information.

"(a)(1) It shall be unlawful for the master, operator, or person in charge of a vessel of the United States, or a vessel subject to the jurisdiction of the United States, to knowingly fail to obey an order by an authorized Federal law enforcement officer to heave to that vessel.

"(2) It shall be unlawful for any person on board a vessel of the United States, or a vessel subject to the jurisdiction of the United States, to—

"(A) forcibly assault, resist, oppose, prevent, impede, intimidate, or interfere with a boarding or other law enforcement action authorized by any Federal law, or to resist a lawful arrest; or

"(B) provide information to a Federal law enforcement officer during a boarding of a vessel regarding the vessel's destination, origin, ownership, registration, nationality, cargo, or crew, which that person knows is false.

"(b) This section does not limit the authority of a customs officer under section 581 of the Tariff Act of 1930 (19 U.S.C. 1581), or any other provision of law enforced or administered by the Customs Service, or the authority of any Federal law enforcement officer under any law of the United States, to order a vessel to stop or heave to.

"(c) A foreign nation may consent or waive objection to the enforcement of United States law by the United States under this section by radio, telephone, or similar oral or electronic means. Consent or waiver may be proven by certification of the Secretary of State or the designee of the Secretary of State.

"(d) In this section—

"(1) the term 'Federal law enforcement officer' has the meaning given the term in section 115(c);

"(2) the term 'heave to' means to cause a vessel to slow, come to a stop, or adjust its course or speed to account for the weather conditions and sea state to facilitate a law enforcement boarding;

"(3) the term 'vessel subject to the jurisdiction of the United States' has the meaning given the term in section 2(d) of the Maritime Drug Law Enforcement Act (46 App. U.S.C. 1903(c)); and

"(4) the term 'vessel of the United States' has the meaning given the term in section 2(c) of the Maritime Drug Law Enforcement Act (46 App. U.S.C. 1903(b)).

"(e) Any person who intentionally violates the provisions of this section shall be fined under this title, imprisoned for not more than 5 years, or both."

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 109, title 18, United States Code, is amended by inserting after the item for section 2236 the following:

"2237. Criminal sanctions for failure to heave to, obstruction of boarding, or providing false information."

#### SEC. 4. USE OF A DANGEROUS WEAPON OR EXPLOSIVE ON A PASSENGER VESSEL.

Section 1993 of title 18, United States Code, is amended—

(1) in subsection (a)—  
(A) in paragraph (1), by inserting "passenger vessel," after "transportation vehicle";

(B) in paragraphs (2)—

(i) by inserting "passenger vessel," after "transportation vehicle"; and

(ii) by inserting "or owner of the passenger vessel" after "transportation provider" each place that term appears;

(C) in paragraph (3)—

(i) by inserting "passenger vessel," after "transportation vehicle" each place that term appears; and

(ii) by inserting "or owner of the passenger vessel" after "transportation provider" each place that term appears;

(D) in paragraph (5)—

(i) by inserting "passenger vessel," after "transportation vehicle"; and

(ii) by inserting "or owner of the passenger vessel" after "transportation provider"; and  
(E) in paragraph (6), by inserting "or owner of a passenger vessel" after "transportation provider" each place that term appears;

(2) in subsection (b)(1), by inserting "passenger vessel," after "transportation vehicle"; and

(3) in subsection (c)—

(A) by redesignating paragraph (6) through (8) as paragraphs (7) through (9); and

(B) by inserting after paragraph (5) the following:

"(6) the term 'passenger vessel' has the meaning given that term in sections 2101(22) and 2102 of title 46, United States Code."

#### SEC. 5. CRIMINAL SANCTIONS FOR VIOLENCE AGAINST MARITIME NAVIGATION, PLACEMENT OF DESTRUCTIVE DEVICES, AND MALICIOUS DUMPING.

(a) VIOLENCE AGAINST MARITIME NAVIGATION.—Section 2280(a) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (H), by striking "(G)" and inserting "(H)";

(B) by redesignating subparagraphs (F), (G), and (H) as subparagraphs (G), (H), and (I), respectively; and

(C) by inserting after subparagraph (E) the following:

"(F) destroys, damages, alters, moves, or tampers with any aid to maritime navigation maintained by the Saint Lawrence Seaway Development Corporation under the authority of section 4 of the Act of May 13, 1954 (33 U.S.C. 984), by the Coast Guard pursuant to section 81 of title 14, United States Code, or lawfully maintained under authority granted by the Coast Guard pursuant to section 83 of title 14, United States Code, if such act endangers or is likely to endanger the safe navigation of a ship"; and

(2) in paragraph (2) by striking "(C) or (E)" and inserting "(C), (E), or (F)".

(b) PLACEMENT OF DESTRUCTIVE DEVICES.—

(1) IN GENERAL.—Chapter 111 of title 18, United States Code, is amended by adding after section 2280 the following:

"§ 2280A. Devices or substances in waters of the United States likely to destroy or damage ships or to interfere with maritime commerce

"(a) A person who knowingly places, or causes to be placed, in waters subject to the jurisdiction of the United States, by any means, a device or substance which is likely to destroy or cause damage to a vessel or its cargo, or cause interference with the safe navigation of vessels, or interference with maritime commerce, with the intent of causing such destruction or damage, or interference with the safe navigation of vessels or with maritime commerce, shall be fined under this title, imprisoned for any term of years or for life, or both; and if the death of any person results from conduct prohibited under this subsection, may be punished by death.

"(b) Nothing in this section shall be construed to apply to otherwise lawfully authorized and conducted activities of the United States Government."

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 111 of title 18, United States Code, is amended by adding after the item related to section 2280 the following:

“2280A. Devices or substances in waters of the United States likely to destroy or damage ships or to interfere with maritime commerce.”.

(c) MALICIOUS DUMPING.—

(1) IN GENERAL.—Chapter 111 of title 18, United States Code, is amended by adding at the end the following:

“§ 2282. Knowing discharge or release

“(a) ENDANGERMENT OF HUMAN LIFE.—Any person who knowingly discharges or releases oil, a hazardous material, a noxious liquid substance, or any other substance into the navigable waters of the United States or the adjoining shoreline with the intent to endanger human life, health, or welfare shall be fined under this title and imprisoned for any term of years or for life; and if the death of any person results from conduct prohibited by this subsection, shall be punished by death or imprisoned for a term of years or for life.

“(b) ENDANGERMENT OF MARINE ENVIRONMENT.—Any person who knowingly discharges or releases oil, a hazardous material, a noxious liquid substance, or any other substance into the navigable waters of the United States or the adjacent shoreline with the intent to endanger the marine environment shall be fined under this title, imprisoned not more than 30 years, or both.

“(c) DEFINITIONS.—In this section:

“(1) DISCHARGE.—The term ‘discharge’ means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

“(2) HAZARDOUS MATERIAL.—The term ‘hazardous material’ has the meaning given the term in section 2101(14) of title 46, United States Code.

“(3) MARINE ENVIRONMENT.—The term ‘marine environment’ has the meaning given the term in section 2101(15) of title 46, United States Code.

“(4) NAVIGABLE WATERS.—The term ‘navigable waters’ has the meaning given the term in section 1362(7) of title 33, and also includes the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988.

“(5) NOXIOUS LIQUID SUBSTANCE.—The term ‘noxious liquid substance’ has the meaning given the term in the MARPOL Protocol defined in section 2(1) of the Act to Prevent Pollution from Ships (33 U.S.C. 1901(a)(3)).

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 111 of title 18, United States Code, is amended by adding at the end the following:

“2282. Knowing discharge or release.”.

**SEC. 6. TRANSPORTATION OF DANGEROUS MATERIALS AND TERRORISTS OR TERROR SUSPECTS.**

(a) TRANSPORTATION OF DANGEROUS MATERIALS AND TERROR SUSPECTS.—Chapter 111 of title 18, as amended by section 5 of this Act, is amended by adding at the end the following:

“§ 2283. Transportation of explosive, biological, chemical, or radioactive or nuclear materials.

“(a) IN GENERAL.—Any person who knowingly and willfully transports aboard any vessel an explosive or incendiary device, biological agent, chemical weapon, or radioactive or nuclear material, knowing that any such item is intended to be used to commit a Federal crime of terrorism, shall be fined under this title, imprisoned for any term of years or for life, or both; and if the death of any person results from conduct prohibited

by this subsection, may be punished by death.

“(b) DEFINITIONS.—In this section:

“(1) BIOLOGICAL AGENT.—The term ‘biological agent’ means any biological agent, toxin, or vector (as those terms are defined in section 178).

“(2) BY-PRODUCT MATERIAL.—The term ‘by-product material’ has the meaning given that term in section 11(e) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(e)).

“(3) CHEMICAL WEAPON.—The term ‘chemical weapon’ has the meaning given that term in section 229F.

“(4) EXPLOSIVE OR INCENDIARY DEVICE.—The term ‘explosive or incendiary device’ has the meaning given the term in section 235(5).

“(5) FEDERAL CRIME OF TERRORISM.—The term ‘Federal crime of terrorism’ has the meaning given that term in section 2332b(g).

“(6) NUCLEAR MATERIAL.—The term ‘nuclear material’ has the meaning given that term in section 831(f)(1).

“(7) RADIOACTIVE MATERIAL.—The term ‘radioactive material’ means—

“(A) source material and special nuclear material, but does not include natural or depleted uranium;

“(B) nuclear by-product material;

“(C) material made radioactive by bombardment in an accelerator; or

“(D) all refined isotopes of radium.

“(8) SOURCE MATERIAL.—The term ‘source material’ has the meaning given that term in section 11(z) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(z)).

“(9) SPECIAL NUCLEAR MATERIAL.—The term ‘special nuclear material’ has the meaning given that term in section 11(aa) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(aa)).

“§ 2284. Transportation of terrorists or terror suspects.

“(a) IN GENERAL.—Any person who knowingly and willfully transports aboard any vessel any terrorist or terror suspect shall be fined under this title, imprisoned for any term of years or for life, or both.

“(b) DEFINED TERM.—In this section, the term ‘terrorist or terror suspect’ means any person who intends to commit, or is avoiding apprehension after having committed, a Federal crime of terrorism (as that term is defined under section 2332b(g)).”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 111 of title 18, United States Code, as amended by this Act, is amended by adding at the end the following:

“2283. Transportation of explosive, chemical, biological, or radioactive or nuclear materials.

“2284. Transportation of terrorists or terror suspects.”.

**SEC. 7. DESTRUCTION OR INTERFERENCE WITH VESSELS OR MARITIME FACILITIES.**

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 111 the following:

**“CHAPTER 111A—DESTRUCTION OF, OR INTERFERENCE WITH VESSELS OR MARITIME FACILITIES**

“Sec.

“2290. Jurisdiction and scope.

“2291. Destruction of vessel or maritime facility.

“2292. Penalty when death results.

“2293. Imparting or conveying false information.

“2294. Bar to prosecution.

**“§ 2290. Jurisdiction and scope**

“(a) JURISDICTION.—There is jurisdiction over an offense under this chapter if the prohibited activity takes place—

“(1) within the United States or within waters subject to the jurisdiction of the United States; or

“(2) outside United States and—

“(A) an offender or a victim is a citizen of the United States;

“(B) a citizen of the United States was on board a vessel to which this chapter applies; or

“(C) the activity involves a vessel of the United States.

“(b) SCOPE.—Nothing in this chapter shall apply to otherwise lawful activities carried out by or at the direction of the United States Government.

**“§ 2291. Destruction of vessel or maritime facility**

“(a) OFFENSE.—Whoever willfully—

“(1) sets fire to, damages, destroys, disables, or wrecks any vessel;

“(2) places or causes to be placed a destructive device, as defined in section 921(a)(4), or destructive substance, as defined in section 13, in, upon, or in proximity to, or otherwise makes or causes to be made unworkable or unusable or hazardous to work or use, any vessel, or any part or other materials used or intended to be used in connection with the operation of a vessel;

“(3) sets fire to, damages, destroys, or disables or places a destructive device or substance in, upon, or in proximity to, any maritime facility, including but not limited to, any aid to navigation, lock, canal, or vessel traffic service facility or equipment, or interferes by force or violence with the operation of such facility, if such action is likely to endanger the safety of any vessel in navigation;

“(4) sets fire to, damages, destroys, or disables or places a destructive device or substance in, upon, or in proximity to, any appliance, structure, property, machine, or apparatus, or any facility or other material used, or intended to be used, in connection with the operation, maintenance, loading, unloading, or storage of any vessel or any passenger or cargo carried or intended to be carried on any vessel;

“(5) performs an act of violence against or incapacitates any individual on any vessel, if such act of violence or incapacitation is likely to endanger the safety of the vessel or those on board;

“(6) performs an act of violence against a person that causes or is likely to cause serious bodily injury, as defined in section 1365, in, upon, or in proximity to, any appliance, structure, property, machine, or apparatus, or any facility or other material used, or intended to be used, in connection with the operation, maintenance, loading, unloading, or storage of any vessel or any passenger or cargo carried or intended to be carried on any vessel;

“(7) communicates information, knowing the information to be false and under circumstances in which such information may reasonably be believed, thereby endangering the safety of any vessel in navigation; or

“(8) attempts or conspires to do anything prohibited under paragraphs (1) through (7): shall be fined under this title or imprisoned not more than 20 years, or both.

“(b) PENALTY.—Whoever is fined or imprisoned under subsection (a) as a result of an act involving a vessel that, at the time of the violation, carried high-level radioactive waste (as that term is defined in section 2(12) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(12)) or spent nuclear fuel (as that term is defined in section 2(23) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(23)), shall be fined under title 18, imprisoned for a term up to life, or both.

“(c) THREATS.—Whoever willfully imparts or conveys any threat to do an act which would violate this chapter, with an apparent determination and will to carry the threat into execution, shall be fined under this

title, imprisoned not more than 5 years, or both, and is liable for all costs incurred as a result of such threat.

**“§ 2292. Penalty when death results**

“Whoever is convicted of any crime prohibited by this chapter, which has resulted in the death of any person, shall be subject also to the death penalty or to imprisonment for life.

**“§ 2293. Imparting or conveying false information**

“(a) IN GENERAL.—Whoever imparts or conveys or causes to be imparted or conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act which would be a crime prohibited by this chapter or chapter 2, 97, or 111 of this title, shall be subject to a civil penalty of not more than \$5,000, which shall be recoverable in a civil action brought in the name of the United States.

“(b) MALICIOUS CONDUCT.—Whoever willfully and maliciously, or with reckless disregard for the safety of human life, imparts or conveys or causes to be imparted or conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt to do any act which would be a crime prohibited by this chapter, or by chapter 2, 97, or 111 of this title, shall be fined under this title, imprisoned not more than 5 years, or both.

“(c) JURISDICTION.—

“(1) IN GENERAL.—Except as provided under paragraph (2), section 2290(a) shall not apply to any offense under this section.

“(2) JURISDICTION.—Jurisdiction over an offense under this section shall be determined in accordance with the provisions applicable to the crime prohibited by this chapter, or by chapter 2, 97, or 111 of this title, to which the imparted or conveyed false information relates, as applicable.

**“§ 2294. Bar to prosecution**

“(a) IN GENERAL.—It is a bar to prosecution under this chapter if—

“(1) the conduct in question occurred within the United States in relation to a labor dispute; and

“(2) such conduct is prohibited under the law of the State in which it was committed.

“(b) DEFINITIONS.—In this section:

“(1) LABOR DISPUTE.—The term ‘labor dispute’ has the same meaning as in section 113(c) of the Norris-LaGuardia Act (29 U.S.C. 113(c)).

“(2) STATE.—The term ‘State’ means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.”.

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters at the beginning of title 18, United States Code, is amended by inserting after the item for chapter 111 the following:

“111A. Destruction of, or interference with vessels or maritime facilities ..... 2290”.

**SEC. 8. CARRYING A WEAPON OR EXPLOSIVE ON A VESSEL OR AT A SEAPORT.**

(a) IN GENERAL.—Title 18, United States Code, is amended by striking section 2277 and inserting the following:

**“§ 2277. Carrying a weapon or explosive on a vessel or at a seaport.**

“(a) GENERAL CRIMINAL PENALTY.—An individual shall be fined under title 18, imprisoned for not more than 10 years, or both, if the individual—

“(1) when on, or attempting to get on a vessel, or within the area of any seaport, knowingly possesses a dangerous weapon, explosive, incendiary device, or loaded firearm on or about the property of the individual; or

“(2) has knowingly placed, attempted to place, or attempted to have placed a dangerous weapon, explosive, incendiary device, or loaded firearm on that vessel, or at that seaport.

“(b) CRIMINAL PENALTY INVOLVING DISREGARD FOR HUMAN LIFE.—An individual who willfully and without regard for the safety of human life, or with reckless disregard for the safety of human life, violates subsection (b), shall be fined under title 18, imprisoned for not more than 15 years, or both, and if death results to any person, shall be imprisoned for a term of years or for life.

“(c) NONAPPLICATION.—

“(1) IN GENERAL.—Subsection (b) of this section shall not apply to—

“(A) the personnel of the Armed Forces of the United States, or to officers or employees of the United States or of a State or of a political subdivision thereof, while acting in the performance of their duties, who are authorized by law or by rules or regulations to own or possess any such weapon or explosive;

“(B) another individual the Under Secretary for Border and Transportation Security of the Department of Homeland Security by regulation authorizes to carry a dangerous weapon on board a vessel or at a seaport; or

“(C) any person employed on a vessel who—

“(i) possesses items otherwise prohibited under subsection (b) that are used in the course of performing duties within the scope of employment of that individual;

“(ii) has obtained the permission of the owner or master of the vessel to carry such items on the vessel; and

“(iii) has obtained the permission of the captain of the seaport to carry such items at the seaport.

“(2) LAWFUL SHIPMENT OF EXPLOSIVE OR INCENDIARY DEVICE.—Subsection (b)(3) shall not apply to any person who is engaged in the lawful shipment of any explosive or incendiary device.

“(d) CONSPIRACY.—If 2 or more persons conspire to violate subsection (b) or (c), and 1 or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as provided in such subsection.

“(e) DEFINITIONS.—In this section:

“(1) DANGEROUS WEAPON.—The term ‘dangerous weapon’ has the meaning given that term in section 930(g)(2) of title 18;

“(2) EXPLOSIVE AND INCENDIARY DEVICE.—The terms ‘explosive’ and ‘incendiary device’ have the meanings given such terms in section 232(5) of title 18; and

“(3) LOADED FIREARM.—The term ‘loaded firearm’ means a starter gun or a weapon designed to expel a projectile through an explosive, that has a cartridge, a detonator, or powder in the chamber, magazine, cylinder, or clip.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 111 of title 18 is amended by striking the matter relating to section 2277 and inserting the following:

“2277. Carrying a weapon or explosive on a vessel or at a seaport.”.

**SEC. 9. CARGO THEFT DATA COLLECTION.**

(a) IN GENERAL.—The Attorney General shall issue regulations to—

(1) require the reporting of a cargo theft offense to the Attorney General by the carrier, facility, or cargo owner with custody of the cargo at the time of the offense, as soon as such carrier, facility, or cargo owner becomes aware of the offense, with such reports to contain information regarding the offense as specified in the regulations, including the port of entry, the port where the

shipment originated, and where the theft occurred, to the extent such information is available to the reporting party;

(2) create a database to contain the reports made under paragraph (1) and integrate them, to the extent feasible, with other non-criminal justice and intelligence data, such as a bill of lading, cargo contents and value, point of origin, and lienholder filings; and

(3) prescribe procedures for access to the database created under paragraph (2) by appropriate Federal, State, and local governmental agencies, while protecting the privacy of the information in accordance with other applicable Federal laws.

(b) MODIFICATION OF DATABASES.—

(1) IN GENERAL.—United States Government agencies with significant regulatory or law enforcement responsibilities at United States ports shall, to the extent feasible, modify their information databases to ensure the collection and retrievability of data relating to crime and terrorism and related activities at or affecting United States ports.

(2) DESIGNATION OF COVERED AGENCIES.—The Attorney General, after consultation with the Secretary of the Treasury and the Secretary of Transportation, shall designate the agencies included within the requirement of paragraph (1).

(c) OUTREACH PROGRAM.—The Attorney General, in consultation with the Secretary of the Treasury, the Secretary of Transportation, the National Maritime Security Advisory Committee established under section 70112 of title 46, United States Code, and appropriate Federal and State agencies, shall establish an outreach program to—

(1) work with State and local law enforcement officials to harmonize the reporting of data on cargo theft among the States, localities and with the United States Government's reports; and

(2) work with local port security committees to disseminate cargo theft information to appropriate law enforcement officials.

(d) VIOLATION OF REGULATIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, and in addition to any penalties that may be available under any other provision of law, any person or entity who is found by the Attorney General, after notice and an opportunity for a hearing, to have violated the regulations promulgated pursuant to section 9(a)(1), shall be liable to the United States for a civil penalty, not to exceed \$25,000 for each violation, except that the maximum penalty for any party's first violation shall not exceed \$7,500.

(2) CONTINUING VIOLATIONS.—Each day of a continuing violation shall constitute a separate violation.

(3) NOTICE OF ASSESSMENT OF PENALTY.—The amount of such civil penalty shall be assessed by the Attorney General, or his designee, by written notice.

(4) CALCULATION OF PENALTY.—In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require.

(5) MODIFICATION OF PENALTIES.—The Attorney General may compromise, modify, or remit, with or without conditions, any civil penalty which is subject to imposition or which has been imposed under this section.

(6) ENFORCEMENT OF ASSESSMENTS.—If a person or entity fails to pay an assessment of a civil penalty after it has become final, the Attorney General may collect such assessments in any appropriate district court of the United States.

(e) ANNUAL REPORT.—The Attorney General shall submit an annual report on the implementation of this section to the Committees on the Judiciary of the Senate and the House of Representatives.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General such sums as are necessary for each of the fiscal years 2003 through 2007 to carry out the requirements of this section, such sums to remain available until expended.

**SEC. 10. THEFT OF INTERSTATE OR FOREIGN SHIPMENTS OR VESSELS.**

(a) THEFT OF INTERSTATE OR FOREIGN SHIPMENTS.—Section 659 of title 18, United States Code, is amended—

(1) in the first undesignated paragraph—  
(A) by inserting “trailer,” after “motortruck,”;

(B) by inserting “air cargo container,” after “aircraft,”; and  
(C) by inserting “, or from any intermodal container, trailer, container freight station, warehouse, or freight consolidation facility,” after “air navigation facility”;

(2) in the fifth undesignated paragraph, by striking “one year” and inserting “3 years”;

(3) by inserting after the first sentence in the eighth undesignated paragraph the following: “For purposes of this section, goods and chattel shall be construed to be moving as an interstate or foreign shipment at all points between the point of origin and the final destination (as evidenced by the waybill or other shipping document of the shipment), regardless of any temporary stop while awaiting transshipment or otherwise.”

(b) STOLEN VESSELS.—

(1) IN GENERAL.—Section 2311 of title 18, United States Code, is amended by adding at the end the following:

“‘Vessel’ means any watercraft or other contrivance used or designed for transportation or navigation on, under, or immediately above, water.”

(2) TRANSPORTATION AND SALE OF STOLEN VESSELS.—Sections 2312 and 2313 of title 18, United States Code, are each amended by striking “motor vehicle or aircraft” and inserting “motor vehicle, vessel, or aircraft”.

(c) REVIEW OF SENTENCING GUIDELINES.—Pursuant to section 994 of title 28, United States Code, the United States Sentencing Commission shall review the Federal Sentencing Guidelines to determine whether sentencing enhancement is appropriate for any offense under section 659 or 2311 of title 18, United States Code, as amended by this Act.

(d) ANNUAL REPORT OF LAW ENFORCEMENT ACTIVITIES.—The Attorney General shall annually submit to Congress a report, which shall include an evaluation of law enforcement activities relating to the investigation and prosecution of offenses under section 659 of title 18, United States Code, as amended by this Act.

(e) REPORTING OF CARGO THEFT.—The Attorney General shall take the steps necessary to ensure that reports of cargo theft collected by Federal, State, and local officials are reflected as a separate category in the Uniform Crime Reporting System, or any successor system, by no later than December 31, 2005.

**SEC. 11. INCREASED PENALTIES FOR NON-COMPLIANCE WITH MANIFEST REQUIREMENTS.**

(a) REPORTING, ENTRY, CLEARANCE REQUIREMENTS.—Section 436(b) of the Tariff Act of 1930 (19 U.S.C. 1436(b)) is amended by—

(1) striking “or aircraft pilot” and inserting “, aircraft pilot, operator, or owner of such vessel, vehicle, or aircraft,”;

(2) striking “\$5,000” and inserting “\$10,000”; and

(3) striking “\$10,000” and inserting “\$25,000”.

(b) CRIMINAL PENALTY.—Section 436(c) of the Tariff Act of 1930 (19 U.S.C. 1436(c)) is amended by striking “\$2,000” and inserting “\$10,000”.

(c) FALSITY OR LACK OF MANIFEST.—Section 584(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1584(a)(1)) is amended by striking “\$1,000” in each place it occurs and inserting “\$10,000”.

AMERICAN ASSOCIATION  
OF PORT AUTHORITIES,  
Alexandria, VA, August 22, 2003.

Hon. JOSEPH R. BIDEN, JR.,  
Subcommittee on Crime and Drugs, Committee  
on the Judiciary, U.S. Senate, Washington,  
DC.

DEAR SENATOR BIDEN: I am writing on behalf of the American Association of Port Authorities (AAPA) and its U.S. members. AAPA represents the leading public port authorities in the U.S., Canada and the rest of the Western Hemisphere.

Port security is the top priority of our members, and AAPA worked closely with Congressional leaders on the passage last year of the Maritime Transportation Security Act. As you know, one portion that was left out of the final bill was the section on criminal penalties. The “Reducing Crime and Terrorism at American’s Seaports Act of 2003,” that you plan to introduce soon, addresses the need to broaden the federal crime statute and stiffen the penalties for these crimes at seaports.

AAPA endorses this bill and encourages its strong consideration. It provides increased penalties for entry by false pretense to a port; failure to “heave to,” use of a dangerous weapon or explosive on a passenger vessel, criminal sanctions for violence against maritime navigation, penalties for transporting dangerous materials and terrorists; makes destruction or interference with vessels or maritime facilities a crime, limits carrying a weapon or explosive on a port, mandates cargo theft data collection, expands the law regarding theft of interstate shipments, and increases penalties for non-compliance with manifest requirements.

We commend your leadership on this critical issue and look forward to working with your staff as this bill progresses to ensure the final law works well in the maritime environment and further enhances port and maritime security.

Sincerely,

KURT NAGLE.

By Ms. LANDRIEU:

S. 1588. A bill to authorize the National Institute of Environmental Health Sciences to develop multidisciplinary research centers regarding women’s health and disease prevention and conduct and coordinate a research program on hormone disruption, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. LANDRIEU. Mr. President, today I rise to introduce the Environmental Health Research Act. Science has long since shown that the environment plays an important role in an individual’s health. We have made the correlation between clean drinking water and a person’s well being. We know that there is a link between childhood asthma and unclean air. Through scientific research we have been able to shed light on these findings, and as a society we are healthier from knowing how our

environment affects our physical condition, as we are now able to take steps to ameliorate our environment so we can improve our health.

With all of the advancements we have made in recent decades, we must still research further, especially in the area of how the environment affects women’s health. There is evidence that shows that environmental factors contribute to numerous diseases in women. For example, there are synthetic chemicals in numerous regularly used pesticides and natural compounds in many plant products in our regular diet that produce compounds that mimic the female hormone estrogen. Many scientists believe that these “environmental estrogens” may block the natural hormone. If this is true, then environmental estrogens may play a role in diseases such as cancers of the breast, uterus, and ovaries, endometriosis, uterine fibroids, and osteoporosis. As we come into contact with environmental estrogens everyday through eating, drinking, and breathing, it is very important that we have research dedicated to discovering how they may affect women’s health.

In addition, 12 million American kids suffer from developmental, learning, or behavioral disabilities. Attention deficit disorder affects three to six percent of our schoolchildren. Research shows that exposure to certain environmental factors during pregnancy may increase the risk of disabilities after birth. The research called for by this bill would help us to answer the many questions raised by the incidence of birth defects in certain environments.

One in three women will be diagnosed with cancer at some point in their lives. Uterine fibroids are present in between 20 and 30 percent of women over the age of 30. Endometriosis affects an estimated 10 to 15 percent of pre-menopausal women. Millions of women are affected every year with diseases that are more than likely linked to the environment. We must further our scientific knowledge in this area. For this reason I ask for your support for the Environmental Health Research Act. Thank you.

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. 1588

*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 “Environmental Health Research Act of 2003”.

**SEC. 2. NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES; AWARDS FOR DEVELOPMENT AND OPERATION OF MULTIDISCIPLINARY RESEARCH CENTERS REGARDING WOMEN’S HEALTH AND DISEASE PREVENTION.**

Subpart 12 of part C of title IV of the Public Health Service Act (42 U.S.C. 285l et seq.) is amended by adding at the end the following section:

"MULTIDISCIPLINARY RESEARCH CENTERS REGARDING WOMEN'S HEALTH AND DISEASE PREVENTION

"SEC. 463B. (a) IN GENERAL.—The Director of the Institute shall make grants to public or nonprofit private entities for the development and operation of not more than 6 centers whose purpose is conducting multidisciplinary research on environmental factors that may be related to the development of women's health conditions (as defined in section 486). The Director of the Institute shall carry out this section in consultation with the Director of the Office of Research on Women's Health and with the advisory council for the Institute.

"(b) RESEARCH, TRAINING, AND INFORMATION AND EDUCATION.—

"(1) IN GENERAL.—Each center under subsection (a) shall, with respect to the purpose described in such subsection—

"(A) conduct basic and clinical research;

"(B) develop protocols for training physicians, scientists, nurses, and other health and allied health professionals;

"(C) conduct training programs for such individuals;

"(D) develop model continuing education programs for such professionals; and

"(E) disseminate information to such professionals and the public.

"(2) PRIORITY FOR PREVENTION ACTIVITIES.—In carrying out the activities described in paragraph (1), each center under subsection (a) shall give priority to activities that are directed toward preventing the development in women of the diseases and conditions involved.

"(3) STIPENDS FOR TRAINING OF HEALTH PROFESSIONALS.—A center under subsection (a) may use funds under such subsection to provide stipends for health and allied health professionals enrolled in programs described in paragraph (1)(C).

"(c) COLLABORATION WITH COMMUNITY.—Each center under subsection (a) shall establish and maintain ongoing collaborations with community organizations in the geographic area served by the center, including those that represent women with disorders that appear to stem from environmental factors.

"(d) COORDINATION OF CENTERS; REPORTS.—The Director of the Institute shall, as appropriate, provide for the coordination of information among centers under subsection (a) and ensure regular communication between such centers.

"(e) STRUCTURE OF CENTER.—Each center assisted under subsection (a) shall use the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such requirements as may be prescribed by the Director of the Institute.

"(f) DURATION OF SUPPORT.—Support of a center under subsection (a) may be for a period not exceeding 5 years. Such period may be extended for 1 or more additional periods not exceeding 5 years if the operations of such center have been reviewed by an appropriate technical and scientific peer review group established by the Director of the Institute and if such group has recommended to the Director that such period should be extended.

"(g) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for fiscal years 2004 through 2007."

**SEC. 3. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT TO PROVIDE FOR RESEARCH ON HORMONE DISRUPTION.**

(a) FINDINGS.—The Congress finds as follows:

(1) Many compounds found or introduced into the environment by human activity are

capable of disrupting the hormone system of humans and animals. The consequences of such disruption can be profound because of the crucial role hormones play in controlling development. No standardized and validated screens or tests have been developed to routinely and systematically assess chemicals for disruptive effects on hormone systems.

(2) In the last 30 years, the United States has experienced an increase in the incidence of such human disorders as childhood cancers, testicular cancer, hypospadias, juvenile diabetes, attention deficit-like hyperactivity disorders, autism, thyroid disorders, and auto-immune disorders. Exposure to hormone-disrupting chemicals may be contributing to these increases. The impact on children's health as a result of prenatal exposures in particular needs further research.

(3) In 2001, the Centers for Disease Control and Prevention's "National Report on Human Exposure to Environmental Chemicals" reported on human exposure to 27 chemicals, and found unexpectedly high levels of certain chemicals used in consumer products. The hazards to humans of these chemicals, singly and in combination, are not well understood.

(4) Many wildlife populations have been affected by hormone-disrupting substances, including birds, fish, reptiles, and mammals. The effects vary among species and compounds.

(5) The effects in wildlife include thyroid dysfunction, decreased fertility, decreased hatching success, gross birth deformities, metabolic and behavioral abnormalities, demasculinization and feminization of male organisms, deformation and masculinization of female organisms, and compromised immune systems. These effects may signal hazards to human health.

(6) Laboratory studies have corroborated studies of effects in wildlife and have identified biological mechanisms to explain the effects shown.

(7) Since the chemicals found in wildlife are also found in humans, humans are exposed to the same chemicals as wildlife.

(8) Hormone disruption can occur at very low doses, especially when exposure occurs in the womb or immediately after birth, periods during which rapid development is occurring.

(9) In the Food Quality Protection Act of 1996 (21 U.S.C. 301 note), Congress recognized the special vulnerability of infants and children to pesticides and requested that the Environmental Protection Agency establish a program to screen and test hormone-disrupting chemicals. The Environmental Protection Agency has not yet required such screening or tests.

(10) In 1998, a research committee on hormone disrupters, organized under the auspices of the Office of Science and Technology Policy, concluded that "scientific knowledge is inadequate to fully inform public policy, and a government-wide coordinated research effort that addresses the key scientific uncertainties . . . is needed".

(11) In 1999, in response to a request from Congress and funded through the Environmental Protection Agency and the Department of the Interior, the National Academy of Sciences compiled a lengthy list of research, monitoring, and testing priorities related to hormone disruption.

(12) The National Institute of Environmental Health Sciences conducts much of the Federal Government's research on hormone disruption, often working in partnership with other agencies.

(13) While recognizing the many contributions of animal testing to understanding toxic hazards, the Congress also recognizes the desirability of speeding the use of validated nonanimal screens and tests (to reduce

animal suffering and to reduce costs) and expediting judgments about hazards from toxic chemicals.

(14) The United States Geological Survey (referred to in this section as the "USGS") has considerable experience assessing the occurrence of chemicals in the environment, ecological health, and the hazards to wildlife health and associated human health posed by chemicals in the environment, as a result of monitoring by the USGS of the Nation's water resources and wildlife disease, and research by the USGS on the effects of chemicals on wildlife.

(15) The National Academy of Sciences has recognized the expertise of the USGS in such areas as food web contamination and water quality assessment and has encouraged more coordinated work on human health between the USGS and the National Institutes of Health.

(b) AMENDMENT.—Subpart 12 of part C of title IV of the Public Health Service Act (42 U.S.C. 2851 et seq.), as amended by section 2, is further amended by adding at the end the following:

**"DIRECTED NATIONAL PROGRAM OF RESEARCH ON HORMONE DISRUPTION**

"SEC. 463C. (a) RESEARCH.—

"(1) IN GENERAL.—The Director of the Institute shall establish within the Institute a comprehensive program to—

"(A) conduct research on the impact of chemicals that affect human health through disruption of the hormone systems;

"(B) conduct research on the occurrence of hormone-disrupting chemicals in the environment and their effects on ecological and wildlife health, in cooperation with the United States Geological Survey (referred to in this section as the "USGS");

"(C) coordinate the design of a multi-agency research initiative on hormone disruption;

"(D) coordinate research on hormone disruption in the United States with such research conducted in other nations; and

"(E) report to the public every 2 years on the extent to which hormone disruption by chemicals in the environment poses a threat to human health and the environment.

"(2) ISSUES.—The program established under paragraph (1) shall provide for the following:

"(A) Collection, compilation, publication, and dissemination of scientifically valid information on—

"(i) possible human health effects of hormone-disrupting chemicals, with emphasis on exposures to low doses of individual chemicals and chemical mixtures during critical life stages of development, particularly effects of prenatal exposures on children's health;

"(ii) the extent of human exposure to hormone-disrupting chemicals, with particular emphasis on exposures during critical life stages of development and in residential and occupational settings; and

"(iii) exposure of wildlife species to hormone-disrupting chemicals and possible health effects associated with such exposures.

"(B) Research on mechanisms by which hormone-disrupting substances interact with biological systems.

"(C) Research on improved in vitro and in vivo methods to screen and test hormone disruption.

"(D) Research on the identity, levels, transport, and fate of hormone-disrupting chemicals in the environment.

"(b) DIRECTOR'S DUTIES.—

"(1) IN GENERAL.—The Director of the Institute shall have principal responsibility, in consultation with the Director of the USGS, for conducting and coordinating research on

the effects of hormone-disrupting chemicals on human health and the environment.

“(2) AGREEMENT.—Not later than 6 months after the date of enactment of the Environmental Health Research Act of 2003, the Director of the Institute and the Director of the USGS shall enter into an agreement to carry out the research program established under subsection (a).

“(3) TRANSFER OF FUNDS.—The Director of the Institute may transfer funds to other Federal agencies to carry out the Director's responsibilities under paragraph (1).

“(4) REPORT.—The Director of the Institute, in consultation with the Director of the USGS, shall make available to the public, every 2 years following the date of enactment of the Environmental Health Research Act of 2003, findings and conclusions on the extent to which hormone disruption by chemicals in the environment poses a threat to human health and the environment.

“(C) INTERAGENCY COMMISSION.—

“(1) ESTABLISHMENT.—The Secretary shall establish a commission to be known as the Hormone Disruption Research Interagency Commission (referred to in this section as the ‘Interagency Commission’) to advise the Director of the Institute and the Director of the USGS on the development of a comprehensive agenda for conducting research on hormone disruption.

“(2) MEMBERSHIP.—The Interagency Commission shall be composed of 12 members, as follows:

“(A) The Director of the Institute, who shall serve as the Chairperson.

“(B) The Director of the USGS, who shall serve as the Vice Chairperson.

“(C) The Commissioner of the Food and Drug Administration.

“(D) The Director of the Centers for Disease Control and Prevention.

“(E) The Administrator of the National Oceanic and Atmospheric Administration.

“(F) The Director of the National Institute for Occupational Safety and Health.

“(G) The Administrator of the Agency for Toxic Substances and Disease Registry.

“(H) The Director of the Fish and Wildlife Service.

“(I) The Secretary of Defense.

“(J) The Administrator of the Environmental Protection Agency.

“(K) The Chairman of the Consumer Product Safety Commission.

“(L) The Director of the National Science Foundation.

“(3) STAFF.—Each department or agency represented by a member on the Interagency Commission shall provide appropriate staff to carry out the duties of the Interagency Commission.

“(4) RECOMMENDATIONS.—Not later than 12 months after the date of enactment of the Environmental Health Research Act of 2003, the Interagency Commission shall recommend to the Director of the Institute and the Director of the USGS a research program, including levels of funding for intramural and extramural research.

“(5) PUBLIC COMMENT.—The Director of the Institute, through publication of notice in the Federal Register, shall provide the general public with an opportunity to comment on the recommendations of the Interagency Commission.

“(6) REPORT.—Not later than 4 years after the date of enactment of the Environmental Health Research Act of 2003, the Interagency Commission shall conduct a review of the program established under subsection (a) and submit a report on the results of such review to the Director of the Institute and to the Hormone Disruption Research Panel established under subsection (e).

“(7) TERMINATION.—The Interagency Commission shall terminate not later than the

end of the 5-year fiscal period described in subsection (h)(1).

“(d) FINANCIAL ASSISTANCE.—The Director of the Institute may provide financial assistance and enter into grants, contracts, and interagency memoranda of understanding to conduct activities under this section. Research conducted pursuant to interagency memoranda of understanding may be conducted through intramural and extramural agency research programs, subject to appropriate scientific peer review.

“(e) HORMONE DISRUPTION RESEARCH PANEL.—

“(1) ESTABLISHMENT.—There is established in the Institute a Hormone Disruption Research Panel (referred to in this subsection as the ‘Panel’).

“(2) DUTIES.—The Panel shall advise the Director of the Institute concerning the scientific content of the program established under subsection (a), the progress of such program, and public outreach, and shall provide such other advice as requested by the Director of the Institute.

“(3) MEMBERSHIP.—The Panel shall be composed of the following:

“(A) 15 voting members to be appointed by the President, in consultation with the Director of the Institute.

“(B) Such nonvoting, ex officio members as the Director of the Institute determines to be appropriate.

“(4) VOTING MEMBERS.—Of the 15 voting members of the Panel—

“(A) at least 2 members shall be from environmental protection organizations;

“(B) at least 2 members shall be from public health and consumer organizations;

“(C) at least 2 members shall be from industry;

“(D) at least 1 member shall be from an animal welfare organization; and

“(E) a majority of the members shall be selected from among scientists and environmental health professionals who—

“(i) are not officers or employees of the United States;

“(ii) represent multiple disciplines, including clinical, basic, public, and ecological health sciences;

“(iii) represent different geographical regions of the United States;

“(iv) are from practice settings, academic settings, and for-profit or not-for-profit research settings; and

“(v) have experience in review of research on endocrine disruption.

“(5) TERMS.—The members of the Panel shall be appointed for an initial term of 3 years and shall be eligible for reappointment for 1 additional term of 2 years.

“(6) CHAIRPERSON.—The members of the Panel appointed under paragraph (3) shall elect a chairperson from among such members.

“(7) MEETINGS.—The Panel shall meet at the call of the chairperson or upon the request of the Director of the Institute, but in no case less often than once each year.

“(8) ADMINISTRATIVE SUPPORT.—The Institute shall provide administrative support to the Panel.

“(9) TERMINATION.—The Panel shall terminate not later than the end of the 5-year fiscal period described in subsection (h)(1).

“(f) CONFLICTS OF INTEREST.—All grants and contracts entered into under this section shall include conflict-of-interest provisions that require any person conducting a project under this section to disclose any other source of funding received by the person to conduct other related projects.

“(g) DEFINITIONS.—For purposes of this section:

“(1) HORMONE.—The term ‘hormone’ means a substance produced in a cell or tissue that triggers a biological response. Hormone ac-

tivity may be localized to the cell in which the substance is produced, or may be in nearby or distant tissues or organs.

“(2) HORMONE DISRUPTION.—The term ‘hormone disruption’ means interference by a substance with the synthesis, secretion, transport, binding, action, or elimination of natural hormones in the body that are responsible for the maintenance of homeostasis, reproduction, development, function, or behavior.

“(h) AUTHORIZATION OF APPROPRIATIONS.—

“(1) GENERAL AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary for the 5-fiscal-year period beginning with fiscal year 2004 to carry out this section. Amounts appropriated pursuant to this paragraph shall remain available until expended.

“(2) RESTRICTIONS ON USE OF FUNDS.—

“(A) CONSTRUCTION AND REHABILITATION OF FACILITIES AND EQUIPMENT.—Not more than 0.5 percent of the funds made available under this section may be used for the construction or rehabilitation of facilities or fixed equipment.

“(B) ADMINISTRATIVE EXPENSES OF THE DIRECTOR.—Of the total amount of funds made available under this section for any fiscal year, not more than 2 percent of such funds may be used for administrative expenses of the Director of the Institute in carrying out this section.

“(C) PUBLIC OUTREACH.—Of the total amount of funds made available under this section for any fiscal year, at least 1 percent, but not more than 5 percent, shall be used for outreach to the public concerning the activities and results of the program.”

#### SUBMITTED RESOLUTIONS

#### SENATE CONCURRENT RESOLUTION 64—TO COMMEND MEMBERS OF THE UNITED STATES ARMED FORCES FOR THEIR SERVICES TO THE UNITED STATES IN THE LIBERATION OF IRAQ, AND FOR OTHER PURPOSES

Mr. MILLER (for himself, Ms. COLLINS, Mr. INOUE, Mr. CHAMBLISS, Mr. LEVIN, Mr. DASCHLE, Mr. NELSON of Nebraska, and Mr. WARNER) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 64

Whereas the valiant and dedicated members of the United States Armed Forces performed in an exceptionally professional manner, befitting of an all-volunteer military force, during Operation Iraqi Freedom;

Whereas the National Guard and the other reserve components of the United States Armed Forces demonstrated their readiness and ability to respond and deploy quickly and were an integral part of Operation Iraqi Freedom;

Whereas the families of the more than 200,000 members of the United States Armed Forces who were called into action in Operation Iraqi Freedom provided exceptional and unwavering support for the United States servicemembers who were deployed to the Middle East; and

Whereas the people of the United States grieve and pray for all those who made the ultimate sacrifice and for those who were injured in the line of duty while serving in Operation Iraqi Freedom: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That Congress—*

(1) commends the members of the United States Armed Forces for their role in Operation Iraqi Freedom, and for serving in that

Operation with such distinctive bravery and professionalism;

(2) calls on the people of the United States to pay honor and homage to all those who fell in the line of duty in Operation Iraqi Freedom;

(3) commends the families of members of the United States Armed Forces for their special role and sacrifices in providing support for United States servicemembers who were deployed to the Middle East for Operation Iraqi Freedom; and

(4) expresses deep condolences to the families of the brave men and women who lost their lives during the conflict in Iraq.

SENATE CONCURRENT RESOLUTION 65—TO COMMEND THE THIRD INFANTRY DIVISION (MECHANIZED) OF THE UNITED STATES ARMY FOR ITS ROLE IN THE LIBERATION OF IRAQ

Mr. MILLER (for himself, Ms. COLLINS, Mr. INOUE, Mr. CHAMBLISS, and Mr. WARNER) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 65

Whereas the Third Infantry Division of the United States Army was organized in 1917 for participation in World War I, and its fierce defense of positions along the Marne River in France in July 1918 blocked an enemy onslaught on approaches to Paris and earned the Division the motto "Rock of the Marne";

Whereas the soldiers of the Third Infantry Division, now mechanized, stand ready to answer the call to defeat aggression with rock solid determination;

Whereas more than 16,000 men and women from the First and Second Brigades of the Third Infantry Division (Mechanized), stationed at Fort Stewart, Georgia, and the Third Brigade of the Division, stationed at Fort Benning, Georgia, were deployed in support of Operation Iraqi Freedom;

Whereas the families of the soldiers of the Third Infantry Division (Mechanized) deployed in support of Operation Iraqi Freedom provided exceptional and unwavering support for their soldiers during the deployment; and

Whereas Congress and the people of the United States have the greatest pride in the men and women of the Third Infantry Division (Mechanized), and strongly support those men and women as they carry out their duties: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That Congress—*

(1) honors the men and women of the Third Infantry Division (Mechanized) of the United States Army who participated in Operation Iraqi Freedom and the follow-on military operations in Iraq, for their professional excellence, dedicated patriotism, and exemplary bravery;

(2) commends the soldiers of the Third Infantry Division (Mechanized) for their role in the fall of Baghdad;

(3) expresses gratitude to the families of the soldiers of the Third Infantry Division (Mechanized) for bearing the burden of sacrifice and separation from loved ones during the operations in Iraq; and

(4) expresses deep condolences to the families of the brave soldiers of the Third Infantry Division (Mechanized) who lost their lives while fighting to liberate Iraq.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1580. Mr. HARKIN (for himself, Mr. KENNEDY, Mr. DASCHLE, Ms. MIKULSKI, Mrs.

CLINTON, Mr. EDWARDS, Mrs. MURRAY, Mr. CORZINE, Mr. BYRD, Mr. SCHUMER, Mr. LAUTENBERG, Mr. KERRY, Mr. LIEBERMAN, Mr. FEINGOLD, Mr. SARBANES, Mr. DODD, Ms. STABENOW, Mr. REID, Mr. LEAHY, Mr. DURBIN, Mr. AKAKA, Mr. DAYTON, Mr. PRYOR, Mr. REED, Mr. NELSON of Florida, and Mr. JOHNSON) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, 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.

SA 1581. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, supra; which was ordered to lie on the table.

SA 1582. Mr. REID submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, supra; which was ordered to lie on the table.

SA 1583. Mr. FRIST (for Mr. HATCH) proposed an amendment to the resolution S. Res. 210, expressing the sense of the Senate that supporting a balance between work and personal life is in the best interest of national worker productivity, and that the President should issue a proclamation designating October of 2003 as "National Work and Family Month".

SA 1584. Mr. FRIST (for Mr. HATCH) proposed an amendment to the resolution S. Res. 210, supra.

SA 1585. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, 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; which was ordered to lie on the table.

SA 1586. Mr. NELSON of Nebraska submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, supra; which was ordered to lie on the table.

SA 1587. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, supra; which was ordered to lie on the table.

SA 1588. Mr. BINGAMAN (for himself, Mr. LAUTENBERG, Ms. CANTWELL, Mr. BAUCUS, Ms. STABENOW, Mr. LEVIN, Mr. DURBIN, and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill H.R. 2660, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1580. Mr. HARKIN (for himself, Mr. KENNEDY, Mr. DASCHLE, Ms. MIKULSKI, Mrs. CLINTON, Mr. EDWARDS, Mrs. MURRAY, Mr. CORZINE, Mr. BYRD, Mr. SCHUMER, Mr. LAUTENBERG, Mr. KERRY, Mr. LIEBERMAN, Mr. FEINGOLD, Mr. SARBANES, Mr. DODD, Ms. STABENOW, Mr. REID, Mr. LEAHY, Mr. DURBIN, Mr. AKAKA, Mr. DAYTON, Mr. PRYOR, Mr. REED, Mr. NELSON of Florida, and Mr. JOHNSON) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, 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; as follows:

On page 23, between lines 15 and 16, insert the following:

SEC. \_\_\_\_\_. None of the funds provided under this Act shall be used to promulgate or implement any regulation that exempts from the requirements of section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) any employee who is not otherwise exempted pursuant to regulations under section 13 of such Act (29 U.S.C. 213) that were in effect as of September 3, 2003.

SA 1581. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, 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; which was ordered to lie on the table; as follows:

On page 62, line 6, insert "annually" after "obtain".

SA 1582. Mr. REID submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, 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; which was ordered to lie on the table; as follows:

On page 30, line 7, insert before the period the following: "": *Provided further*, That in addition to amounts otherwise made available under this Act to the Centers for Disease Control and Prevention for activities under the comprehensive cancer control program, there shall be made available an additional \$8,000,000 to expand comprehensive cancer control activities, including activities relating to cancer survivorship in partnership with national cancer survivorship organizations".

SA 1583. Mr. FRIST (for Mr. HATCH) proposed amendment to the resolution S. Res. 210, expressing the sense of the Senate that supporting a balance between work and personal life is in the best interest of national worker productivity, and that the President should issue a proclamation designating October of 2003 as "National Work and Family Month"; as follows:

Strike all after the resolving clause and insert the following:  
That—

(1) it is the sense of the Senate that—  
(A) reducing the conflict between work and family life should be a national priority; and  
(B) the month of October of 2003 should be designated as "National Work and Family Month"; and

(2) the Senate requests that the President issue a proclamation calling upon the people of the United States to observe "National Work and Family Month" with appropriate ceremonies and activities.

SA 1584. Mr. FRIST (for Mr. HATCH) proposed an amendment to the resolution S. Res. 210, expressing the sense of the Senate that supporting a balance between work and personal life is in the best interest of national workers productivity, and that the President should issue a proclamation designating October of 2003 as "National Work and Family Month"; as follows:

Amend the title so as to read: "Expressing the sense of the Senate that supporting a

balance between work and personal life is in the best interest of national workers productivity, and that the President should issue a proclamation designating October of 2003 as "National Work and Family Month".

**SA 1585.** Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, 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; which was ordered to lie on the table; as follows:

At the end of title III, insert the following:  
**SEC. \_\_\_\_.** (a) The total amount appropriated, out of any money in the Treasury not otherwise appropriated for fiscal year 2004, to carry out the 21st Century Community Learning Centers Program under part B of title IV of the Elementary and Secondary Education Act of 1965, shall be \$1,100,000,000.  
 (b) Each amount appropriated under this Act (other than amounts appropriated for the Department of Education) that is not required to be appropriated by a provision of law is reduced by the uniform percentage necessary to reduce the total amounts appropriated under this Act (other than amounts appropriated for the Department of Education) by \$100,000,000.

**SA 1586.** Mr. NELSON of Nebraska submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, 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; which was ordered to lie on the table; as follows:

In title II, after section 218, insert the following:

**SEC. 219.** None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Centers for Medicare & Medicaid Services proposed rule entitled "Medicare Program; Inpatient Rehabilitation Facility Prospective Payment System For FY 2004; Proposed Rule", 68 Fed. Reg. 26786 (May 16, 2003), or any other proposed rule regarding the inpatient rehabilitation facility prospective payment system for fiscal year 2004, unless the Secretary of Health and Human Services—

(1) modifies the proposed rule to provide that during such period as the Secretary may determine, not to exceed 1 year, the requirement that 75 percent of the facility's cases shall be in 10 diagnoses (commonly referred to as the "75 percent rule") shall be lowered to 50 percent;

(2) during such period, consults with an expert panel of clinicians to reach a consensus on the diagnoses to be included in the 75 percent rule, as well as the appropriate clinical criteria for patients within the respective diagnoses, and whether joint replacements should be included or added to the diagnoses subject to the 75 percent rule; and

(3) considers basing inpatient rehabilitation facility payments on patient-specific criteria that are linked to high-quality outcomes.

**SA 1587.** Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, 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; which was ordered to lie on the table; as follows:

On page 43, line 16, strike "\$34,227,000" and insert "\$54,227,000, of which \$20,000,000 shall be derived from prior-year funds available for fiscal year 2004 expenses".

**SA 1588.** Mr. BINGAMAN (for himself, Mr. LAUTENBERG, Ms. CANTWELL, Mr. BAUCUS, Ms. STABENOW, Mr. LEVIN, Mr. DURBIN, and Mr. PRYOR) submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, 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; which was ordered to lie on the table; as follows:

On page 42, line 25, strike "\$2,000,000,000." and insert "\$3,000,000,000: *Provided*, That of the funds appropriated in this Act for the National Institutes of Health, \$3,000,000,000 shall not be available for obligation until September 30, 2004: *Provided further*, That the amount \$6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be \$7,895,199,000: *Provided further*, That the amount \$6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be \$5,783,301,000."

#### AUTHORITY FOR COMMITTEES TO MEET

##### JOINT ECONOMIC COMMITTEE

**Mr. SESSIONS.** Mr. President, I ask unanimous consent that the Joint Economic Committee be authorized to conduct a hearing in Room 628 of the Dirksen Senate Office Building, Friday, September 5, 2003, from 9:30 am to 1 pm.

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

#### COMMENDING MEMBERS OF THE UNITED STATES ARMED FORCES

**Mr. FRIST.** Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 64, submitted earlier today by Senators MILLER, COLLINS, INOUE, CHAMBLISS, LEVIN, DASCHLE, NELSON of Nebraska, and WARNER.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The bill clerk read as follows:

A concurrent resolution (S. Con. Res. 64) to commend members of the United States Armed Forces for their services to the United States for the liberation of Iraq, and for other purposes.

There being no objection, the Senate proceeded to consider the concurrent resolution.

**Mr. FRIST.** I ask unanimous consent that the concurrent resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD, without intervening action or debate.

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

The concurrent resolution (S. Con. Res. 64) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

##### S. CON. RES. 64

Whereas the valiant and dedicated members of the United States Armed Forces performed in an exceptionally professional manner, befitting of an all-volunteer military force, during Operation Iraqi Freedom;

Whereas the National Guard and the other reserve components of the United States Armed Forces demonstrated their readiness and ability to respond and deploy quickly and were an integral part of Operation Iraqi Freedom;

Whereas the families of the more than 200,000 members of the United States Armed Forces who were called into action in Operation Iraqi Freedom provided exceptional and unwavering support for the United States servicemembers who were deployed to the Middle East; and

Whereas the people of the United States grieve and pray for all those who made the ultimate sacrifice and for those who were injured in the line of duty while serving in Operation Iraqi Freedom: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That Congress—

(1) commends the members of the United States Armed Forces for their role in Operation Iraqi Freedom, and for serving in that Operation with such distinctive bravery and professionalism;

(2) calls on the people of the United States to pay honor and homage to all those who fell in the line of duty in Operation Iraqi Freedom;

(3) commends the families of members of the United States Armed Forces for their special role and sacrifices in providing support for United States servicemembers who were deployed to the Middle East for Operation Iraqi Freedom; and

(4) expresses deep condolences to the families of the brave men and women who lost their lives during the conflict in Iraq.

#### COMMENDING THE THIRD INFANTRY DIVISION (MECHANIZED) OF THE UNITED STATES ARMY

**Mr. FRIST.** Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 65, submitted earlier today by Senators MILLER, COLLINS, INOUE, CHAMBLISS, and WARNER.

The PRESIDING OFFICER. The clerk will report the concurrent resolution.

The bill clerk read as follows:

A concurrent resolution (S. Con. Res. 65) to commend the Third Infantry Division (Mechanized) of the United States Army for its role in the liberation of Iraq.

There being no objection, the Senate proceeded to consider the concurrent resolution.

**Mr. FRIST.** I ask unanimous consent that the concurrent resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 65) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 65

Whereas the Third Infantry Division of the United States Army was organized in 1917 for participation in World War I, and its fierce defense of positions along the Marne River in France in July 1918 blocked an enemy onslaught on approaches to Paris and earned the Division the motto "Rock of the Marne";

Whereas the soldiers of the Third Infantry Division, now mechanized, stand ready to answer the call to defeat aggression with rock solid determination;

Whereas more than 16,000 men and women from the First and Second Brigades of the Third Infantry Division (Mechanized), stationed at Fort Stewart, Georgia, and the Third Brigade of the Division, stationed at Fort Benning, Georgia, were deployed in support of Operation Iraqi Freedom;

Whereas the families of the soldiers of the Third Infantry Division (Mechanized) deployed in support of Operation Iraqi Freedom provided exceptional and unwavering support for their soldiers during the deployment; and

Whereas Congress and the people of the United States have the greatest pride in the men and women of the Third Infantry Division (Mechanized), and strongly support those men and women as they carry out their duties: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That Congress—*

(1) honors the men and women of the Third Infantry Division (Mechanized) of the United States Army who participated in Operation Iraqi Freedom and the follow-on military operations in Iraq, for their professional excellence, dedicated patriotism, and exemplary bravery;

(2) commends the soldiers of the Third Infantry Division (Mechanized) for their role in the fall of Baghdad;

(3) expresses gratitude to the families of the soldiers of the Third Infantry Division (Mechanized) for bearing the burden of sacrifice and separation from loved ones during the operations in Iraq; and

(4) expresses deep condolences to the families of the brave soldiers of the Third Infantry Division (Mechanized) who lost their lives while fighting to liberate Iraq.

#### NATIONAL WORK AND FAMILY MONTH

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further action on S. Res. 210 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 210) expressing the sense of the Senate that supporting a balance between work and personal life is in the best interests of national worker productivity, and that the President should issue a proclamation designating October as "National Work and Family Month".

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I ask unanimous consent that the amendment to the resolution be agreed to and the resolution, as amended, be agreed to, the preamble be agreed to, and the amendment to the title be agreed to; further, that the motion to reconsider be laid on the table and any statements be printed in the RECORD.

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

The amendment (No. 1583) was agreed to, as follows:

(Purpose: To provide a complete substitute, and for other purposes)

Strike all after the resolving clause and insert the following:

That—

(1) it is the sense of the Senate that—  
(A) reducing the conflict between work and family life should be a national priority; and  
(B) the month of October of 2003 should be designated as "National Work and Family Month"; and

(2) the Senate requests that the President issue a proclamation calling upon the people of the United States to observe "National Work and Family Month" with appropriate ceremonies and activities.

The amendment to the title (No. 1584) was agreed to, as follows:

Amend the title so as to read: "Expressing the sense of the Senate that supporting a balance between work and personal life is in the best interest of national worker productivity, and that the President should issue a proclamation designating October of 2003 as "National Work and Family Month"."

The resolution (S. Res. 210), as amended was agreed to.

The preamble was agreed to.  
The resolution, with its preamble, reads as follows:

(The resolution, S. Res. 210, as amended, will be printed in a future edition of the RECORD.)

#### ORDERS FOR MONDAY, SEPTEMBER 8, 2003

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it ad-

journal until 1 p.m., Monday, September 8. I further ask unanimous consent, 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 resume consideration of H.R. 2660, the Labor-HHS-Education appropriations bill.

The Presiding Officer. Without objection, it is so ordered.

#### PROGRAM

Mr. FRIST. For the information of all Senators, on Monday the Senate will resume consideration of H.R. 2660, the Labor-HHS-Education appropriations bill. The chairman and ranking member will be here Monday to continue working through amendments, and it is my hope that additional amendments will be offered and debated during Monday's session.

Any votes ordered with respect to amendments to the Labor-HHS-Education appropriations bill will be stacked to occur late Monday afternoon. If we are unable to reach an agreement for votes on the pending appropriations bill, we may schedule a vote or votes on nominations that are available from the Executive Calendar. We will notify Members during Monday's session as votes are scheduled.

It is still our hope to complete the Labor-HHS-Education appropriations bill early next week, and we will continue our discussions on Monday as how best to make that happen.

As we enter the final weeks of this fiscal year, I do ask for all Senators' assistance as we try to schedule these appropriations bills and amendments.

#### ADJOURNMENT UNTIL 1 P.M. MONDAY, SEPTEMBER 8, 2003

Mr. FRIST. 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 3:39 p.m., adjourned until Monday, September 8, 2003, at 1 p.m.