United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

Vol. 149 WASHINGTON, WEDNESDAY, SEPTEMBER 17, 2003 No. 128

Senate

The Senate met at 8:30 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.

Almighty God, ruler of all nature, enlist our strength today to make a good and just world. Give us moral courage that will produce clear thinking and clean living. Stimulate our minds so that our affections will reside in heavenly places. Lord, lead us so surely that one day we may stand before You unashamed. Give Your Senators today fresh vigor to meet the challenges of our time. Give them Your wisdom to choose the hard right. May we never think of You as absent from our world. We pray 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 ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

SCHEDULE

Mr. SANTORUM. Mr. President, this morning the Senate will resume consideration of the House message accompanying S. 3, the partial-birth abortion ban bill. The Senate will continue that debate until 10:30 this morning. At 10:30, the Senate will begin consideration of the Interior appropriations bill. Amendments are expected on that legislation. Therefore, rollcall votes will occur throughout the day.

In addition, the Senate may consider judicial nominations that are on the Executive Calendar cleared for action. Therefore, if necessary, rollcall votes will be scheduled on those nominations throughout the day as well.

I thank all Members for their attention.

RESERVATION OF LEADER TIME

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

PARTIAL-BIRTH ABORTION BAN ACT OF 2003

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 3, which the clerk will report.

The assistant legislative clerk read as follows:

Message from the House of Representatives to accompany S. 3, an act to prohibit the procedure commonly known as partial-birth abortion.

The PRESIDENT pro tempore. Under the previous order, the time until 10:30 a.m. will be equally divided between the Senator from Pennsylvania, Mr. SANTORUM, and the Senator from California, Mrs. BOXER, or their designees.

The Senator from California.

Mrs. BOXER. I thank the Chair.

Mr. President, I thank my colleague for agreeing to a time split this morning where I will speak for 30 minutes and, at the end of that time, Senator SANTORUM will speak for 30 minutes, and then we each expect to have other Senators speaking. We will figure out at that point how to divide the time.

We are here this morning because there is a strong disagreement between the House and the Senate on the issue of Roe v. Wade, a Supreme Court decision that occurred in 1973 which ruled that it was unconstitutional to take away a woman's right to choose and that found a privacy right in the Constitution.

The Senate has gone on record several times supporting the Roe decision. In S. 3, the bill that was brought to us by the Senator from Pennsylvania and others, which for the first time banned an approved medical procedure—the first time ever—without a health exception, Senator HARKIN added an amendment to support Roe. I will show you what that amendment was and what the debate is about.

Senator HARKIN's language in S. 3 that was disagreed to by the House is the following:

It is the sense of the Senate that—

(1) the decision of the Supreme Court in Roe v. Wade—

And it cites the ruling—

was appropriate and secures an important right; and

(2) such decisions should not be overturned.

This is the simple language that the Senator from Iowa, who spoke quite eloquently last night, made part of S. 3.

The Senate had a debate about the Harkin amendment. It was an extensive debate about why it is important that a woman's right to choose remain the law of the land, why it is important that the Court not overturn it.

The House, which says it very much wants to ban the procedure that is banned in S. 3 without a health exception, could have simply taken the Senate bill and sent it off to the President, and we would have had the argument about this underlying bill in the Supreme Court, where it is going to go, by the way, where I believe it will be ruled unconstitutional because the centerpiece of Roe is that a woman's health and life must always be protected.

Let's look at the language in Roe which provides for the woman's health to always be protected and why, to those of us who believe Roe v. Wade was rightly decided, it is so important.

The important point about Roe, which people sometimes don't get, is

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

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that it is a very modest decision, a very moderate decision. It balances all the interests in a way that is fair. It says that in the early stages of a pregnancy, a woman has a right to decide whether to carry this child to term. She makes that decision after searching her soul, talking to her family, her doctor, her God.

Guess what. Government isn't in the picture, Senators are not in the picture, Congresspeople are not in the picture, Senator BOXER is not in the picture, when a woman is making this decision. Neither is Senator SANTORUM nor Senator FRIST nor Senator STEVENS nor Senator DASCHLE. As far as this Senator is concerned—and I represent the largest State in the Union—that is the way it should be.

I support everyone making their own decision as Roe states they should have the right to do in the early stages of a pregnancy. In the late stages of a pregnancy, after viability—that is when a fetus can live outside the womb—this is what the Court said in Roe:

> The State, in promoting its interest in the potentiality of human life, may, if it chooses, regulate, and even proscribe—

Meaning ban—

> abortion, except where it is necessary, in appropriate medical judgment, for the preservation of the life or health of the mother.

It is a very sensible law. After viability, any State in the Union can ban abortion but always making an exception for the life and health of a woman.

We have a decision, that I believe was very carefully thought out, that balances everyone's views, or let's say the majority of views, and indeed the majority of the people support Roe. In my particular State, it is overwhelming, but it is a strong majority across the country.

Here is why it is so important. I guess my colleagues said: Why is Senator BOXER having us vote to disagree with what the House did? The House tossed out the support of Roe in S. 3 and said: We don't want it. Therefore, the two bodies will go to conference.

Why do I want to take the time and have a debate about Roe? First of all, it is a very serious worry to many people in this country that with the Supreme Court at roughly a 5-to-4 vote on Roe, we could lose this right, and with the Senate now only having 52, 53, or 54 people in favor of Roe, which is diminishing, this is a problem. With the House anti-choice, this is a problem. They believe that making sure people understand what Roe actually did, what the decision actually did, is very important. So I think for that reason, to remind all of us what Roe v. Wade actually said and actually did, it is important.

The other reason is, the underlying bill goes completely against Roe. Why? Because Roe v. Wade said, yes, the State—meaning the Government—can even go so far as banning abortion but always having an exception for the life and health of the mother. This bill makes no exception for the health of the mother.

Now, why is this important? What could happen to a woman if she cannot have the particular procedure that is being banned, as Members of the Senate and the House play doctor, and for the first time decide that they are going to outlaw a procedure?

Let us look at what could happen to a woman's health. The night before last I put in documentation, letters, that laid out these problems. This is what doctors tell us could happen if the procedure that is banned in this bill cannot be used to save the health of a woman. I want everyone to think about whether they want their wife, their daughter, their sister, their friend, their aunt, or anyone else they love to go through this.

A woman might have a hemorrhage, a hemorrhage that could get worse and worse and could lead to serious, long-term damage. Her uterus could rupture, meaning she may well never have another child. She could get blood clots, and everyone knows how serious that is. She could have an embolism, a stroke, damage to nearby organs, even paralysis. This is what doctors tell us.

We do not have one OB/GYN in the Senate. The OB/GYNs tell us these are the things that could happen if a safe procedure that is recognized is not available to a woman, and yet this bill, S. 3, bans this procedure, does not give a whit about this in the end because there is no health exception. Believe me, my colleagues tried to offer very tight health exceptions and oh, no, the other side would not give an inch—no health exception.

This is what could happen to a woman, and the only saving grace of S. 3 is that it has the Roe language in it that we support in Roe. What does that say? It says to the Supreme Court across the street that even though the Senate passed S. 3 and banned a procedure, it also at the same time said, do not overturn Roe. Roe has a clear statement that the health of the mother must always be protected.

I hope everyone on the other side votes for this. I have heard it is possible because there is a technicality here. If this amendment or this motion to disagree goes down, then there will be no conference and the bill cannot go forward. I hope all my colleagues on the other side vote for this, I really do, because I want a strong signal to go out that this Senate disagreed with what the House did when they said strip out the Roe language.

If everyone on the other side, or a lot of my colleagues on the other side, vote with us and we get a strong vote, that sends a message to the conferees that most of the people wanted to keep the Roe language. I trust they will come back after conference with the Roe language. Send this bill into conference with a strong vote for Roe, and we expect Roe will come back in the bill.

I think it is important to look at what happened before Roe so I am going to read a couple of statements. Dr. Douglas Black, Concord, NH, was then—pre-Roe, pre-1973—an OB/GYN. He did his specialty training in New York City from 1959 to 1963. During that time he saw hundreds of botched back-alley abortions, and many women died. But that was only the tip of the iceberg. For every one woman who died, there were many others who were rendered pelvic cripples. He said it was not a pretty sight, and he remembers doing hysterectomies on 13-year-old girls. Also, he and others were often unable to treat women until the women told police where they had gotten the abortion.

Dr. Black says:

> I can vividly remember pot-bellied, cigar-chomping detectives picking on some young, very sick kid, bleeding excessively, with shaking chills of fever and a high temperature.

That is what it was like pre-Roe. That is why Senator HARKIN offered this amendment. That is why the Senate voted for it and that is why we disagree with the House stripping out this amendment supporting Roe.

Let me read another one. This one is from Philadelphia, PA, Dr. Louis Gerstley. Dr. Gerstley has been an obstetrician and gynecologist since the early 1950s. From 1956 through 1967, he worked at the Philadelphia General Hospital, where a 32-bed ward was kept purely for the end results of badly botched abortions. Imagine that, they had beds set aside for women who had to go to the back alleys and sneak and pass dollar bills across a table to some back-alley abortionist. The beds were constantly filled, and Dr. Gerstley saw women who were sick, who were dying, and who died.

He remembers one 22-year-old woman in particular who came into the ward suffering from septic shock from a botched abortion. He and others worked on her for 6 hours and finally decided to give her a hysterectomy to save her life. The procedure was performed without anesthesia because she had no blood pressure and no pulse. The patient died. Dr. Gerstley has said:

> I never want to see that again.

He opposes the criminalization of abortion. That is why we are here, because we want a strong vote going into conference that Roe v. Wade should not be reversed.

Let us look at Senator HARKIN's language again. It is very temperate, very clear, and very important. It is worth a debate. I appreciate the fact that we have a debate about Roe.

> It is the sense of the Senate that the decision of the Supreme Court in Roe v. Wade was appropriate and secures an important right; and such decisions should not be overturned.

It is very simple, very elegant.

We do not want back-alley people, who are not doctors, who are not trained, to touch a young girl in trouble, or anyone who deserves to have their health protected. Their health must be protected. That is why Roe is so important.

Dr. Robert Prince from Dallas, TX, has been an OB/GYN since 1958. At the end of his third year of medicine, he did a research fellowship in Nashville, TN. One of his duties was to perform autopsies. Since abortions were illegal, any death attributed to an abortion required an autopsy. In his own words:

My first case was that of a 20-year-old college student, who had been brought into the emergency room by her boyfriend for vaginal bleeding. She had gone to a nurse's aide, who had attempted to place a catheter in the cervix to effect an abortion. A vital blood vessel was damaged, and the patient was in shock when she arrived at the emergency room. . . . In a clinic setting, this patient would have survived in spite of the injury . . . if abortions were legal, she would have survived. How often did this happen in the pre-Roe years? Multiply the scenario by a thousand.

Rollyn Carlson, Austin, TX, was 20 years old in the summer of 1971 and pregnant. She decided to have an abortion and found an office in Mexico on the other side of the Texas border. After the abortion, she bled heavily and ran a high fever for 3 days. She was one of the lucky ones. She married and had two children. She now has a teenage daughter and is concerned about her. What if she got pregnant? What if she needed an abortion? Rollyn worries that if abortion is illegal, her daughter would have to have an illegal abortion and could die.

Here is the point. People in our country can make their own decisions in a personal, private, difficult moral, sometimes religious, decision. Some will decide to have the child, to keep the child, to love the child. Some will decide to put the child up for adoption. Some will decide to have a legal abortion in the early stages.

Under Roe v. Wade, if a person waits until the end, that is a time when the State can step in, always, and say, no—but always protecting the health and the life of the woman. Again, that is why Roe is so important. That is why being pro-choice is so important, because it says that I respect you. I will do anything I can to protect your right to decide however you want to decide. I will not force you to decide the way I want you to decide.

I wasn't elected to be God. I am a Senator. I was elected to respect you and respect your freedom and to pass laws that balance your rights with other rights. Roe v. Wade was that type of decision. It is very important that it not be overturned. It is very important that it be part of this law that is in front of us because the law that is in front of us makes an exception for the health of a woman.

If we have the Roe language, we are sending a signal that, yes, a majority wants to ban this procedure. They couldn't get the votes to have an exception for health, but we still support Roe. That is why this is important. This is not some technical matter that we voice vote. This is a moment in time where we can discuss and debate the wisdom of the Harkin amendment, which is very clear and simply says Roe is important.

I want to read this. Some of the stories are very hard. This woman's name is Romanita, from Pittsburgh, Pa. Romanita married and had three children, one, her daughter Norma, with spinal bifida. Her husband was a heroin addict and had left the home. One day he showed up and he raped her. He then disappeared and she found that she was pregnant. She sought an illegal abortion and experienced bleeding for 2 weeks. She lived to tell the tale.

Again, our being here is not frivolous. I hope the other side will not paint it as such. We have so many issues facing our country today that are so important. We have an economy that has lost 3 million jobs in the last couple of years. We have deficits as far as the eye can see. We have to deal with that. We have environmental laws that have been rolled back. We have to deal with that. We have our young men and women in Iraq in terrible danger, without much help from the international community, unfortunately. We have a request for $87 billion. We have to deal with that. We have to work that out in a way that protects the troops and yet makes sure we have some kind of exit strategy and we are not turning our back on the needs of our own people. We want to make sure procurement reform is done, so when Iraq is rebuilt it is done in a way that is fair.

All those issues are before us. I don't come to the floor in a frivolous manner because I am working on all those issues. I have an important hearing today that involves a big industry in my State that is in some kind of trouble. We are having a hearing about that. So, no, I have come here early in the morning because I want to make the case to my colleagues as to why we are calling for a vote on this issue of Roe v. Wade. We are asking our colleagues to strongly disagree with what the House did when they stripped out the Harkin language. We want to send a strong message—hopefully, a very large number of votes will come our way on this one—to the conferees: Keep the Harkin language in the bill, please. We know we differ with the House. But we are right on this one.

I thank you, Mr. President, and I thank my colleague from Pennsylvania for being so gracious as to allow me to open this debate. I know he will have a vigorous dissent, and I respect that. I suspect we will dissent on this matter many times in the future if we are both here to be able to do that. Of course that is up to the people of our States.

I yield the remainder of my time and yield the floor.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Pennsylvania.

Mr. SANTORUM. I would like to ask a question of the Senator from California. I know she has to leave, so I will not take long. The Senator from California and the Senator from Iowa for the last few days have been using the figure 5,000 women a year who died from abortion prior to Roe v. Wade. I have before me, which I will enter into the RECORD, a chart titled ''Maternal Mortality, Vital Statistics of the United States, 1942 to 1974.'' This chart tracks the total maternal deaths in the country and total abortion deaths in the country.

I ask unanimous consent that the chart be printed in the RECORD.

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

TABLE 2.—MATERNAL MORTALITY: VITAL STATISTICS OF THE UNITED STATES, 1942–1974*

Year	Total abortion deaths			Other maternal deaths			Total maternal deaths		
	White	Non-White	Total	White	Non-White	Total	White	Non-White	Total
1942	917	314	1,231	4,598	1,438	6,036	5,515	1,752	7,267
1943	853	312	1,165	4,610	1,422	6,032	5,463	1,734	7,197
1944	695	201	986	3,953	1,421	5,473	4,468	1,622	6,369
1945	602	286	888	3,520	1,260	4,780	4,122	1,546	5,668
1946	535	225	760	3,272	1,121	4,493	3,807	1,346	5,253
1947	385	200	585	3,170	1,223	4,393	3,555	1,423	4,978
1948	321	175	496	2,432	1,194	3,626	2,753	1,369	4,122
1949	236	158	394	1,863	959	2,822	2,099	1,117	3,216
1950	193	123	316	1,680	964	2,644	1,873	1,087	2,960
1951	170	133	303	1,608	901	2,509	1,778	1,034	2,812
1952	196	124	320	1,428	862	2,290	1,624	986	2,610
1953	162	132	294	1,317	774	2,091	1,479	906	2,385
1954	156	131	287	1,124	694	1,818	1,280	825	2,105
1955	150	116	266	984	651	1,635	1,134	767	1,901
1956	138	83	221	880	601	1,481	1,081	684	1,702
1957	126	134	260	871	615	1,486	997	749	1,746
1958	136	123	259	802	520	1,322	938	643	1,581
1959	138	146	284	789	515	1,304	927	661	1,588
1960	147	142	289	789	501	1,290	936	643	1,579
1961	163	161	324	734	515	1,249	897	676	1,573
1962[1]	149	148	305	658	467	1,160	807	615	1,465
1963[1]	161	107	280	636	512	1,186	797	619	1,466
1964	117	130	247	634	462	1,096	751	592	1,343

TABLE 2.—MATERNAL MORTALITY: VITAL STATISTICS OF THE UNITED STATES, 1942–1974*—Continued

Year	Total abortion deaths			Other maternal deaths			Total maternal deaths		
	White	Non-White	Total	White	Non-White	Total	White	Non-White	Total
1965	106	129	235	550	404	954	656	533	1,189
1966	96	93	189	509	351	860	605	444	1,049
1967	76	84	160	495	332	827	571	416	987
1968	58	75	133	426	300	726	484	375	859
1969	65	67	132	398	271	669	463	338	801
1970	57	71	128	388	287	675	445	358	803
1971	43	56	99	337	232	569	380	288	668
1972	38	32	[2] 70(83)	342	200	542	380	232	612
1973	15	21	[2] 36(51)	259	182	441	274	203	477
1974	13	14	[2] 27(47)	244	191	435	257	205	462
1975	Not yet available								

*Statistics in Table 2 are published by the National Center for Health Statistics (NCHS) of the Department of HEW in Vital Statistics of the United States, Part II—Mortality. These figures are derived from death certificates.

[1] In 1962 and 1963 New Jersey did not report race classification. The white and non-white figures do not include the state of New Jersey, but the totals for each category do.

[2] Beginning in 1972 CDC in Atlanta has kept records on abortion-related maternal mortality (figures in parentheses). The CDC figures are slightly higher because of special investigative work into particular cases and causes. For the years 1972, 1973, and 1974 these figures are subdivided into legal at, respectively, 21, 24 and 23; illegal at 40, 19 and 6; and spontaneous at 22, 8, 18. See CDC Abortion Surveillance, 1973, Figure 6; CDC Abortion Surveillance, 1974 (in press).

Mr. SANTORUM. In the year prior to Roe v. Wade, 1972, the total maternal deaths in the United States—total maternal deaths from all causes—was 612. According to the Centers for Disease Control, the total abortion-related deaths were 83. So I ask the Senator from California how they can continue to use the number 5,000, when the official statistics of the United States say the total number of maternal deaths in the country were 612, and those related to abortion were 83?

Mrs. BOXER. Let me say to my friend, one death is too many, if it is your wife. We could debate the numbers. I gave you cases, cases, cases here. A woman who was raped and had to go get an illegal abortion. I have so many more of these.

I have the data and I have the sources. I will, before the end of the morning, have them printed in the RECORD. But, again, there are varying estimates. I have never heard the one, 83, as being a serious estimate.

Be that as it may, Roe v. Wade says that you always protect the life and health of a woman. That is a basic disagreement you and I have.

Mr. SANTORUM. I appreciate the basic disagreement. I think we are allowed to disagree on our opinions. We are not allowed to argue and disagree with the facts. The facts are what they are. This is from the Centers for Disease Control. These are numbers out of the abstract. I will be happy to give them to the Senator. But these are from the National Center for Health Statistics of the Department of HEW. This was in 1975, so that is from the Department of Health, Education and Welfare at the time. These were the official statistics of the United States.

Again, I am not challenging the remarks of the Senator that every life is important. But I think presenting accurate evidence is also important if we are going to have a discussion about what the case was. Let's look at the case of abortion-related deaths. In 1942 there were 1,231; total maternal deaths were 7,267. Every single year, without fail, every single year, the total number of maternal deaths went down because medicine improved. The total number of abortion-related deaths went down. Why? Every year, I believe, without fail—there are 1 or 2 years where it popped back up and dropped back down—it went down almost in a direct line and was continuing to go down. So the idea that Roe v. Wade is saving even—in 1973 there were 36. The bottom line is that very few—given the number of pregnancies that were occurring in those years—very few women died as a result of ''botched'' abortions. The idea that thousands and thousands were—well, I will quote for you Bernard Nathanson, who was an abortion doctor at that time. He says:

> How many deaths are we talking about when abortion was illegal? In NARAL [that's the National Abortion Rights Action League] we generally emphasize the drama of the individual case.

You heard the Senator from California come back when I said the statistics are wrong.

> We talk about the individual case, not the mass statistics. But when we spoke about the latter it was always 5,000 to 10,000 deaths a year. I confess I knew these figures were totally false and I suppose the others did too if they stopped to think about it. But in the morality of our revolution it was a useful figure, widely accepted, so why go out of our way to correct it with honest statistics?

The bottom line is we are making a policy decision based on, hopefully, factual evidence. I want to make that clear.

A couple of other things about what the Senator from California said and last night the Senator from Iowa said, that a majority of Americans support Roe v. Wade. Maybe if you asked the question, ''Do you support Roe v. Wade?'' a majority of Americans would say, ''Yes, it is the law of the land.'' Most people, if it is the law, generally comply with the law and so most people say it is probably fine, although if you describe what the law is without saying it is Roe v. Wade and ask if they agree, you find that a majority of Americans do not agree with Roe v. Wade.

In fact, there was a study done a couple of months ago by the Center for the Advancement of Women. Faye Wattleton, a very well known abortion rights advocate, formerly affiliated with Planned Parenthood—I believe the head of Planned Parenthood—instituted a study this summer, and they asked the question about abortion to women—not to men, to women. They found that 17 percent of women in America—this is a pro-choice group—17 percent of women in America said abortion should be banned, period—never legal. Another 34 percent said it should be against the law except in the case of rape, incest, and life of the mother. If you add 17 and 34—I will get one of the pages to add that up for me—it is 51; 51 percent of American women are either against abortion, period, or only in the case of rape, incest, and life of the mother, which if you ask people in this Chamber if you are against abortion except in the case of rape, incest, and life of the mother, you are considered pro-life. Most people in this Chamber who are pro-life are for the exception of rape, incest, and life of the mother.

So the majority of American women, according to an abortion rights group—who, by the way, described the results of this as ''disappointing''—don't agree with Roe v. Wade. A majority of American women do not agree.

Let me broaden that even further. They asked this question, as an option: It should be available but under stricter limits than now. In other words, it should be less available than Roe v. Wade allows. Add another 17 percent to that. Now we are up to 68 percent of women in this country who believe Roe v. Wade is wrong; 68 percent of women disagree with Roe v. Wade.

Now, the fourth category was: It should be generally available to those who want it. This is a very tricky thing. It should be generally available. It did not say, it should be what Roe v. Wade is, the law: It shall be available for any reason at any time. That is what Roe v. Wade is. This idea that this is a moderate, reasonable provision, Roe v. Wade, is nonsense.

Roe v. Wade and its subsequent decisions have established an absolute right to an abortion at any point in time. The Senator from California says the State can prohibit abortions, late-term abortions. I asked the Senator, and I have asked her more than once in these debates, and today—she has not provided any evidence—I asked her to give me one example where an abortion was stopped in this country under Roe v. Wade, an example where someone wanted an abortion and, because of the Supreme Court decisions, was barred. It does not happen. Why? The Senator says, well, there is this health exception that is very important. There always has to be a health exception.

Look at the Supreme Court cases that define what a health exception is.

According to Doe v. Bolton, the companion case to Roe v. Wade, health means any health: Mental health, physical health, economic health, stress, distress. Anything that could possibly affect mental or physical health is a health exception.

What does that mean? This is an exception that swallows the rule. The health exception means that abortion is legal, period, up until the moment that the child is completely separated.

The point of the partial-birth abortion debate is the child is all but separated. The child is completely delivered except for the head. And you do not believe Roe v. Wade is extreme? Under Roe v. Wade, this Supreme Court said that 3 inches from separation still is covered by Roe v. Wade. At 38 weeks, 3 inches from being born, you can still kill your child.

It was interesting, when the Senator from California went through the different options a woman has. She said you can deliver your child and take it home, you can deliver your child and give it up for adoption, or you can terminate the pregnancy. She did not say—she used the term ''child'' in the first two instances, but in the third instance it is ''terminated pregnancy,'' as if the child does not exist.

The third option is to kill your child. That is the option. It is very stark. It sounds rather cold, chilly, but it is.

In the extreme nature of Roe v. Wade, if really known by the American public, these numbers I have been reading would be even higher—this 30 percent that says it should be generally available.

If you ask the question, Should it be available for all circumstances at any time up to the moment of separation, including up to 39½ weeks, I daresay the number of people who would be supportive of Roe v. Wade, which is the law, would be in the very low double digits and, I would hope, single digits. But I don't know that. I have not seen any polling on that because no pollster asks the question of what the law really is. They put it in fuzzy terms to gather more people. But even with this fuzzy language, even written in a way for the pro-choice groups to get the best number they possibly can, two-thirds of the American people oppose Roe v. Wade.

I find it remarkable the Senator from Iowa last night got up and called my opposition to this extreme when two-thirds—I said of people, two-thirds of American women—say what the Senator from Iowa is doing is extreme, is wrong, is not what they believe. He does not represent them. His extreme views—and they are extreme, not by my definition, not by my morality, not by my theology, but looking at what the American public believes. Extreme means out of the mainstream, on the edge.

If you look at the polling data now on abortion, Roe v. Wade is on the edge; it is not where the American public is. One of the reasons for that, I happen to believe, is medical science. I saw a TV commercial the other day of what I think is called the 4–D sonogram, where you can actually see these 3– or 4–D images—I don't know what they are—but color images of a child in the womb. I saw an article in the paper talking about how they can see a baby in the womb smile and have facial expressions. It gave rise to a study or discussion as to whether children of the womb feel pain, or how much.

It is very hard for the American public—and I know this is a battle that people usually internalize, and most people do not talk about abortion—when they see those images, see this little baby in the womb. There is a commercial. It is a GE commercial, and I thank them for the courage to run the commercial. I know it was incredible the amount of heat they got. From whom? From these organizations that call themselves women's rights organizations, pressuring General Electric to pull the ad.

These are women's rights organizations that don't want women to know what is going on within their own body, but they are women's rights organizations. They want to hide facts from the very people they want to, ''give rights to.'' They don't want them to see. They want to keep the deception to the very people whose rights they say they are protecting.

But General Electric, to their credit, kept the ad about this incredible new technology. At the end of the ad, you see this closeup of this baby in the womb—this little face—and then it dissolves into the face of the baby, subsequently, after the baby is born—the same face. It is not a different baby. It is not one baby in the womb and another baby in its mother's arms a couple months later. It is the same baby.

But the other side, the ''women's rights'' organizations, don't want you to know that. They don't want you to see that. They don't want you to understand what abortion is.

The reason I have been so passionate about the issue of partial-birth abortion is because, for a long time in this country, the whole debate about abortion was about the rights of women only—only. You never saw the baby because in an abortion, you do not see the baby. In partial-birth abortion, you cannot miss the baby. It is a baby. It is moving. This baby would otherwise be born alive because of the late-term nature of when these abortions are done. We are being called extreme because we do not want to allow a procedure which allows the baby—who would otherwise be born alive, who in 99 percent of the cases is healthy, with a healthy mother—to be delivered in a breach position, and have a pair of scissors thrust into the back of the baby's head, when they are literally inches away from being born? We are extreme if we want to stop that?

George Orwell, in 1984, could not have thought we could twist the English language so much that such horrendous actions would be twisted to somehow we would be the extremists in trying to defend the rights of these little children not to be treated in such a horrible fashion.

No. No. We are going to proceed. And we are going to proceed with this debate on the motion to disagree with House amendments. And I make a request of every one of my colleagues from both sides of the aisle to vote to disagree with the House amendment. Why? Because that is the way you get to conference.

This is a procedural motion. I never, in my 9 years, recall that we ever had a debate about what is strictly a procedural motion to go to conference. But some point is trying to be made, which, frankly, escapes me, that somehow if we vote for the disagreement, somehow we are arguing that we are for the Senate version versus the House version. What we are for is a bill that will be passed by both Chambers and signed by the President, and that will be the original contents of S. 3, which I suspect will pass here and pass, hopefully, by a very large margin.

I want to go through some of the points the Senator from California made. She talks about the medical evidence, and she put a chart up of all of the things that could go wrong with a woman in the cases of not having a partial-birth abortion available. I think we just need to review the facts. Again, you are entitled to your own opinion. You are not entitled to your own facts.

Five thousand people dying from abortion prior to Roe v. Wade a year—factually incorrect, unsupportable. We have people who were involved in the movement, as I commented earlier, who said they made up the number. Yet 30 years later, they are still using the number in spite of the National Center for Health Statistics, the Federal agency at the time that was responsible for keeping track of the number of maternal deaths, deaths of mothers due to abortion, saying—actually, there were two organizations. One was the Center for Disease Control. They said 83. They just began that year keeping track. And then the National Center for Health Statistics said 70. So somewhere between 70 and 83, not 5,000.

You are not entitled to your own facts to influence the decisionmaking of the American public or Members of Congress. If you are going to make your argument, you are entitled to your opinion. I can respect your opinion. A lot of people hold that opinion in this country, and it should be represented here, but it should be represented honestly. It should be an honest debate about what the case was before Roe v. Wade, and an honest debate as to what the case is now. I would argue that neither has been put forward by the other side.

They exaggerate claims of what was going on before. They minimize what is going on now. They minimize the real

effects of Roe v. Wade. You never hear them talk about the 1.3 million abortions a year that go on. I am not talking about 5,000 or 83. I am talking about 1.3 million children die from abortion in this country—a third of all pregnancies; somewhat less than a third now. Thankfully, it has come down. But for roughly a third of all children conceived in this country, their lives end before they have a chance to enjoy the freedoms this country provides.

Last night, I had a discussion of how this country on this issue is out of whack, how we have put the liberty rights of a woman above the life rights of her child. As I said last night, the last time we did that in this country was back in the early 1800s. We put the liberty rights of the slave owner above the life rights of the slave.

I refer and have referred to the Roe v. Wade decision as Dred Scott II because it is the second time in the history of this country we have taken the fundamental premise of our country—the founding document of our country, the Declaration of Independence, which said, ''We hold these truths to be self-evident''—back then we actually used very lofty terms such as ''truths,'' absolute things that we all agreed on, the truth. They believed there was a truth and that you could actually find what that truth is.

We said: We hold these truths to be self-evident that all men are created equal—all—and that they are endowed by our Creator with certain inalienable rights. And they listed three—the three foundational rights upon which this country was founded—life, liberty, and the pursuit of happiness—not liberty, happiness, life; not happiness, life, liberty—life, liberty, happiness. Why? Because it sounded better? Life, liberty, pursuit of happiness sounds better than happiness, liberty, life? Is that why they did that? It sounded better? Jefferson was good at writing, and he just said: Boy, this sounds better. I will put life, liberty, pursuit of happiness. That sounds nice?

How many people think that is the reason they did it that way?

Of course not. He wrote it that way because that is the way you have to write it. You can't have happiness without freedom and liberty. How can you truly be happy, how can you truly pursue what God has called you to do in this life if you are not free to do it, if someone tells you what you must do or what you must say, what you must believe. Likewise, how can you be free, how can you have liberty if you are dead or the equivalent of dead in the case of the slave? They are there for a reason, and they are in that order for a reason. Roe v. Wade scrambles them, just like Dred Scott scrambled them. It was wrong then. It is wrong now. It was legal then. Why? Because the Supreme Court said so. It is legal now. Why? Because the Supreme Court said so.

Back then a bunch of people stood up on this very floor and said no. Millions of people across America said no. We had great leaders in our country, including President Lincoln, who said no. Remember the mainstream view was, who are we to tell others how they should live their life? Who are we? I am not God. How can I tell a slaveholder they can't do something they did in the Bible, own slaves? That has been the tradition of this country. Who am I to make those choices for other people? I trust them. I trust their judgment. I trust their morality. How dare you not trust these people that they are not treating these people kindly, that they aren't doing the right thing for them? How uneducated of you to feel that way.

Do these arguments have a somewhat familiar ring to them? It is the same debate. It is just as wrong. For it is our job here to say what is right and what is wrong. That is what laws are. Laws are the reflection of the collective morality of our country. Roe v. Wade was a usurpation of that collective morality. It was a hijacking of the collective morality of this country by nine Justices of the Supreme Court who decided they would play God. Now we just follow along as so many did in the early 1800s. They just followed along. Why? Because it was the law. And who are we to judge these people who own these slaves? Who are we? Who are we? That is a question all of us need to ask: Who are you? How much are you standing up for what you believe is right and what, in many cases, we know is right, and how often do you just sort of turn away and say: Well, that is the law? It is an uncomfortable issue and we will just leave it alone. And so we pass language, sense-of-the-Senate language that says this law, Dred Scott II, is something that should continue in America.

I believe, as much as I believe that I am standing right here today, that this law will be overturned, not by the courage of Senators, not by the courage of Governors or judges, but by the wisdom of the American people. We are seeing it happen. The more people find out about the injustice that abortion is and the extremeness of Roe v. Wade, people are changing. That is why there is this desperate attempt to hang on, to codify Roe v. Wade or to support Roe v. Wade, to prop it back up, this wretched decision that is affecting so much of society.

We are going to have a chance in a few weeks, once we pass this resolution of disagreement, to vote on the conference report on S. 3, which is the partial-Birth Abortion Ban Act. We will have an opportunity—I hope it will not be filibustered—to vote straight up or down on whether to send this bill to the President, which he said he will sign, and send it across the street. That is where it is going to end up. Across the street from the Senate happens to be the Supreme Court of the United States. They will have another opportunity to look at this procedure based on the factual record.

Again, I challenge any Member on either side of the aisle to come forward with a reason why this procedure needs to be legal for the health of the mother. Not one piece of evidence has been entered in the record ever that this procedure was ever necessary to protect the health of the mother. No one even makes an argument that it protects the life of the mother, but there has never been a case introduced that has not been refuted 30 different ways that suggests that this procedure is necessary for health. So the health exception of Roe v. Wade, as a result, is not applicable here because there is no medical reason why this procedure needs to be legal.

In addition, we have tightened the language. The other concern in the Court was that it was vague and could have included other late-term abortion procedures. There are many in this Chamber who would like to ban all late-term abortion procedures. That is not what this bill does. It simply bans a procedure which the vast majority of the American public, anywhere from 70 percent to 80 percent, believe should be banned. By the way, if you are with 70 or 80 percent of the American public, you are hardly on the extreme. By definition this can't be extreme if 70 to 80 percent of the American public support what you are doing.

We have tightened the language to ban a procedure, just one—this one. So there is no doubt now that the Court had before, because of the language in the Nebraska statute, that we might include other abortion techniques. We are including one technique, this one, a technique that is never used to protect the health or life of the mother. Roe v. Wade is as expansive a right as there exists today. Let me repeat that: The right to an abortion in America is more absolute than the right of free speech, than the right of freedom of assembly, than the right of freedom of the press. Under constitutional interpretation, there is no limitation on the right to abortion—none—where these others all have limits. I would argue not great limits, but they are all limited in some fashion by the Court and by statutes that have been found constitutional by this Court. Except abortion, there is no limit. There is no practical limitation on the right to an abortion.

This—candidly and unfortunately, in some respects—is not a limitation on abortion either because if it were a limitation on abortion, the Court would find it unconstitutional. But it is not.

It is a rogue procedure that candidly is unhealthy. We have mountains of evidence from experts in the maternal field of medicine who say this procedure is the least healthy option for women. Obviously, it is the most horrendous and brutal to the child.

That is our plea. It is a modest one. It is so modest that many people do not understand why we are even pursuing it on both sides of this issue.

They ask, Why are you suggesting this? It is not going to do anything. It will bar one procedure that is not used very much—a few thousand times a year. But, as the Senator from California says, every life matters. Every case is a tragedy. So we should do it if we can. We should, and we will, hopefully in a few weeks.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, thank you very much. I have gone to one meeting. And I have another hearing. I appreciate my colleague from Pennsylvania being so gracious as to work the time so I could continue to come back and forth.

Before I left the floor, I promised him I would put in the RECORD the various publications that have stated that approximately 5,000 women a year died from illegal abortions before Roe.

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

Mrs. BOXER. In a moment.

The Senator read from the CDC figures. I realized as I left the floor that at the time women were having these illegal botched abortions and were dying—it made some of them infertile, and they were suffering from trauma—they were not supporting the CDC or any government entity because they would have been put in prison because abortion was illegal. Any claim that the CDC would know the accurate number of illegal abortions just flies in the face of all common sense. Women were not cooperating with the Government. They were in fact standing up to the Government which had outlawed the procedure.

I am glad to yield to the Senator.

Mr. SANTORUM. In how many States in 1972 were abortions illegal?

Mrs. BOXER. I could tell you it was illegal in my State. I will be happy to give you all of that. That isn't the point. At the point in time when the CDC was collecting these numbers, many of the women were having abortions. In my State—probably the most populous State at that time—they were not reporting these things.

My friend challenged me. I come back with the fact that I don't believe the Senator could say the United States Government knew. But I will tell you who did know.

Mr. SANTORUM. Will the Senator yield for a question.

Mrs. BOXER. I have a book that has stated that number.

I am glad to yield.

Mr. SANTORUM. I can't imagine that—first of all, this number was derived from death certificates. If a person is dead, they are not going to report an abortion. There is no concern about a woman reporting her own death because she fears being prosecuted. These numbers were derived from death certificates from hospitals and the cause of death of the women who died. It has nothing to do with self-reporting. They are dead. The idea that somehow these women aren't reporting because they are afraid of being prosecuted—with all due respect, they are dead.

Mrs. BOXER. I am talking about the number of illegal abortions.

Mr. SANTORUM. That is not the number used. The Senator used the number of 1,000 deaths.

Mrs. BOXER. Excuse me. I don't interrupt the Senator, if he would allow me to respond.

I am saying to the Senator that the collection of data at that time would not be done by someone who feared prosecution. If a person dies, I can tell you that right now doctors weren't reporting these things. Families didn't want to say their child did something illegal. The Senator is the only one I have ever met in the movement to outlaw Roe who would put the number of deaths at 83. But I want to tell the Senator that 83 deaths of women—and I have read stories and my friend has heard them, and they are brutal stories about 13-year-old girls, and women who were raped who were afraid—these people died. You can take your number of 83 which is the CDC and which would, I say, make no sense because people were afraid to death, frankly, and families were afraid to report that. Or you can take the number of 5,000 which has been written about quite a bit in science magazines, or you can take some other number in the middle. My friend can pick whatever number he wants. He has chosen the number of 83 women who died. That is 83 families destroyed. But you can belittle. That is fine.

The bottom line is that Roe v. Wade said the Government has a right after viability to ban abortions. But there is always an exception for the health of the woman.

My friend can sugar-coat his bill any way he wants. But the fact is even the people who want to ban abortions have written—and I just read an account today where one gentleman who was a big leader in this movement to overturn Roe said this bill is unconstitutional.

That is the reason why it is important for us to say we support Roe, because this Senate shouldn't be reporting language that is unconstitutional and which jeopardizes the health of a woman.

Mr. SANTORUM. Will the Senator yield?

Mrs. BOXER. I yield for one more question. I appreciate having a chance to finish my remarks.

Mr. SANTORUM. I want to clarify and put a question to the Senator. Using my numbers—these are not my numbers; these are the numbers from Department of Health, Education and Welfare back in 1975. The Senator says people didn't want to report that. I want to clarify for the RECORD that these are figures derived from death certificates. My question is, Is the Senator suggesting that doctors lied on death certificates about the reason for the death? That is what the Senator is suggesting.

Mrs. BOXER. I am suggesting to my friend that when people could go to prison because a woman had an abortion in the early stages of her pregnancy—this is my opinion—I don't believe there is going to be accurate reporting. I think it had a terrible impact on people. People were so frightened.

We have testimony from a doctor who said that while a woman was on the table bleeding to death, the doctor was afraid to perform an abortion because—he was allowed to do it because the woman was raped, but he was afraid until the police cleared it.

The bottom line is this was a period in our history where women were made to feel like criminals. I remember those days. Women's lives were lost. The number of illegal abortions is hard to determine. It is hard to determine the cause of death. The fact of the matter is I don't know too many people who believe the number of 85. There are people who lived in those days who saw how many women were having these abortions. Perhaps they were raped. Perhaps it was a situation where they wanted a family, and that wasn't to be. Whatever the reason, it was happening. They weren't reported, and I don't believe the deaths were accurately reported.

The point is, Why are we here having this debate? Would I still be standing here if I believed that ''only'' 85 women a year died? Yes, I would be, because that is too many deaths, if it is your friend, if it is your mother, if it is your sister, or if it is your aunt.

The question isn't only how many illegal abortions there were and how many women died. The Senator made no reference to how many women became infertile. Then the Senator says something that is totally untrue—that we have never placed into the RECORD at all any statement that shows that by banning this procedure which is banned in this bill with the health exception there could be health damage.

There is testimony of Anne Davis before a hearing of the Subcommittee on the Constitution of the House Judiciary Committee. She is a physician licensed to practice medicine in New York, and she is a board-certified OB/GYN. She got her education at Columbia. She is a fellow of the American College of OB/GYN.

With all due respect to my colleague from Pennsylvania—and I totally respect his right to his opinion and would fight for his right to have it—I trust an OB/GYN more than I do him on matters pertaining to a woman's health and her body.

She says this bill will severely limit physicians' ability to provide the best medical care to their patients. She says it is confusing; it is contradictory; it would be difficult for physicians to interpret. And she says she believes after reading it, the bill appears to ban safe and common abortion procedures

used well before fetal viability. By the way, this was another ground on which the Supreme Court overturned a similar Nebraska statute. It said it was vague.

She says the bill leaves physicians with an untenable choice of not being able to provide the appropriate medical care and, she says, it poses grave risks to the patient. Let me repeat that. My colleague said there was not one bit of evidence that the procedure that is banned—not one bit of evidence—that it could hurt a woman and that I put none in the RECORD.

I refer to my colleagues the testimony of Anne R. Davis, M.D., before the House Subcommittee on the Constitution on March 25, 2003.

Mr. President, she says it puts patients at risk, and she goes on about it. She goes into great detail. I will not take the Senate's time because it is highly technical and it has to do with medicine, and this is not, as I said, a doctor's office. It is the Senate floor.

It goes on for pages and pages. The bottom line is, she is saying there are times when this procedure that is banned is the one that is necessary to protect women. As a matter of fact, she has a whole section titled: ''The bill lacks necessary exceptions to protect women's health and their lives.'' And she goes through that.

This is the first document for the RECORD. It is 11 pages. I hope Senator SANTORUM will take the time to look at that.

Then I have a very important letter from another OB/GYN. As a matter of fact, she is an adjunct professor in the Department of Obstetrics, Gynecology, and Reproductive Sciences at UC-San Francisco where she directs the Center for Reproductive Health Research and Policy. She says she represented the United States at the International Conference on Population and Development. She served on a number of boards of organizations that promote emergency contraception and new contraceptive technologies and supports reducing teen pregnancy. I hope my friends agree that is a good idea. Her area of expertise is family planning and reproductive health.

Very clearly in her four-page letter to us—again, a lot of which is technical—she lists these very problems of what could happen to a woman if there is no health exception in the bill. Here is what she says: Death, infertility, paralysis, coma, stroke, hemorrhage, brain damage, infection, liver damage, and kidney damage.

The Senator from Pennsylvania said I never put anything in the RECORD that said if they cannot use this procedure that is banned in this bill there would be problems. Here is another, Felicia Stewart, M.D., with the highest qualifications you would ever want to have if you ever needed to go to an OB/GYN, which none of my male colleagues would ever have to do, but my female colleagues would have to do.

I ask unanimous consent to print this letter in the RECORD.

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

MARCH 5, 2003.

Hon. BARBARA BOXER,
U.S. Senate, Hart Building,
Washington, DC.

DEAR SENATOR BOXER: I understand that you will be considering Senate S. 3, the ban on abortion procedures, soon and would like to offer some medical information that may assist you in your efforts. Important stakes for women's health are involved: If Congress enacts such a sweeping ban, the result could effectively ban safe and common, pre-viability abortion procedures.

By way of background, I am an adjunct professor in the Department of Obstetrics, Gynecology and Reproductive Sciences at the University of California, San Francisco, where I co-direct the Center for Reproductive Health Research and Policy. Formerly, I directed the Reproductive Health program for the Henry J. Kaiser Family Foundation and served as Deputy Assistant Secretary for Population Affairs for the United States Department of Health and Human Services. I represented the United States at the International Conference on Population and Development (ICPD) in Cairo, Egypt, and currently serve on a number of Boards for organizations that promote emergency contraception and new contraceptive technologies, and support reducing teen pregnancy. My medical and policy areas of expertise are in the family planning and reproductive health, prevention of sexually transmitted infections including HIV/AIDS, and enhancing international and family planning.

The proposed ban on abortion procedures criminalizes abortions in which the provider ''deliberately and intentionally vaginally delivers a living fetus . . . for the purpose of performing an overt act that the person knows will kill the partially delivered living fetus. . . .'' The criminal ban being considered is flawed in a number of respects: it fails to protect women's health by omitting an exception for women's health; it menaces medical practice with the threat of criminal prosecution; it encompasses a range of abortion procedures; and it leaves women in need of second trimester abortions with far less safe medical options; hysterotomy (similar to a cesarean section) and hysterectomy.

The proposed ban would potentially encompass several abortion methods, including dilation and extraction (dtx, sometimes referred to as ''intact d&e), dilation and evaculation (d&e), the most common second-trimester procedure. In addition, such a ban could also apply to induction methods. Even if a physician is using induction as the primary method for abortion, he or she may not be able to assure that the procedure could be effected without running afoul of the proposed ban. A likely outcome it this legislation is enacted and enforced is that physicians will fear criminal prosecution for any second trimester abortion—and women will have no choice but to carry pregnancies to term despite the risks to their health. It would be a sad day for medicine if Congress decides that hysterotomy, hysterectomy, or unsafe continuation of pregnancy are women's only available options. Williams Obstetrics, one of the leading medical texts in Obstetrics and Gynecology, has this to say about the hysterotomy ''option'' that the bill leaves open:

Nottage and Liston (1975), based on a review of 700 hysterotomies, rightfully concluded that the operation is outdated as a routine method for terminating pregnancy. (original in bold). Cunningham and McDonald, et al, Williams Obstetrics, 19th ed., (1993), p. 683.

Obviously, allowing women to have a hysterectomy means that Congress is authorizing women to have an abortion at the price of their future fertility, and with the added risks and costs of major surgery. In sum, the options left open are less safe for women who need an abortion after the first trimester of pregnancy.

I'd like to focus my attention on that subset of the women affected by this bill who face grievous underlying medical conditions. To be sure, these are not the majority of women who will be affected by this legislation, but the grave health conditions that could be worsened by this bill illustrate how sweeping the legislation is.

Take for instance women who face hypertensive disorders such as eclampsia—convulsions precipitated by pregnancy-induced or aggravated hypertension (high blood pressure). This, along with infection and hemorrhage, is one of the most common causes of maternal health. With eclampsia, the kidneys and liver may be affected, and in some cases, if the woman is not provided an abortion, her liver could rupture, she could suffer a stroke, brain damage, or coma. Hypertensive disorders are conditions that can develop over time or spiral out of control in short order, and doctors must be given the latitude to terminate a pregnancy if necessary in the safest possible manner.

If the safest medical procedures are not available to terminate a pregnancy, severe adverse health consequences are possible for some women who have underlying medical conditions necessitating a termination of their pregnancies, including: death (risk of death higher with less safe abortion methods), infertility, paralysis, coma, stroke, hemorrhage, brain damage, infection, liver damage, kidney damage.

Legislation forcing doctors to forego medically indicated abortions or to use less safe but politically-palatable procedures is simply unacceptable for women's health.

Thank you very much, Senator, for your efforts to educate your colleagues about the implications of the proposed ban on abortion procedures.

Sincerely,

FELICIA H. STEWART, M.D.

Mrs. BOXER. Mr. President, I have another letter from the American Public Health Association. The American Public Health Association opposes the bill because it fails to include adequate health exception language and where certain procedures may be determined by a physician to be the best way to preserve the health of the woman.

There we go, the American Public Health Association is concerned about women's health.

I ask unanimous consent that this letter from the American Public Health Association be printed in the RECORD.

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

AMERICAN PUBLIC HEALTH ASSOCIATION,
Washington, DC, March 31, 2003.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the American Public Health Association (APHA) the largest and oldest organization of public health professions in the nation, representing more than 50,000 members from over 50 public health occupations, I write to urge your opposition to H.R. 760, the Partial-Birth Abortion Ban Act of 2003.

APHA has long-standing policy regarding the sanctity of the provider-patient relationship and has long advocated for a woman's

right to choose from a full range of reproductive health options. We believe that a physician in consultation with the patient should make the decision regarding what method should be used to terminate a pregnancy.

We are opposed to H.R. 760 because we believe this and other legislative and judicial restrictions to safe, medically accepted abortion procedures severely jeopardize women's health and well-being. APHA also opposed the bill because it fails to include adequate health exception language in instances where certain procedures may be determined by a physician to be the best or most appropriate to preserve the health of the woman. We urge members of the House of Representatives to oppose this legislation.

Thank you for your attention to our concerns regarding the negative effect this legislation would have to a woman's right to a safe, legal abortion.

Sincerely

GEORGES C. BENJAMIN, MD, FACP,
Executive Director.

Mrs. BOXER. Mr. President, I have another letter from Lynn Epstein, president of the American Medical Women's Association in Alexandria, VA. They strongly oppose this ban, and they say it fails to protect the health and safety of women and their children. So that is another.

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

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

AMERICAN MEDICAL WOMEN'S ASSOCIATION, INC.,
Alexandria, VA, March 25, 2003.

Hon. JERROLD NADLER,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN NADLER: The American Medical Women's Association (AMWA) strongly opposes HR 760, the ''Partial-Birth Abortion Ban Act of 2003.'' While the Association has high respect for each member and their right to hold whatever moral, religious and philosophical beliefs his or her conscience dictates, as an organization of 10,000 women physicians and medical students dedicated to promoting women's health and advancing women in medicine, we believe HR 760 is unconscionable.

AMWA has long been an advocate for women's access to reproductive health care. As such, we recognize this legislation as an attempt to ban a procedure that in some circumstances is the safest and most appropriate alternative available to save the life and health of the woman. Furthermore, this bill violates the privilege of a patient in consultation with her physician to make the most appropriate decision regarding her specific health circumstances.

AMWA opposes legislation such as HR 760 as inappropriate intervention in the decision-making relationship between physician and patient. The definition of the bill is too imprecise and it includes non-medical terminology for a procedure that may ultimately undermine the legality of other techniques in obstetrics and gynecology used in both abortion and non-abortion situations. At times, the use of these techniques is essential to the lives and health of women. The potential of this ban to criminalize certain obstetrics and gynecology techniques ultimately interferes with the quality of health and lives of women. Furthermore, the current ban fails to meet the provisions set forth by the Supreme Court in Steinberg v. Carhart, a ruling that overturned a Nebraska statute banning abortion because it contained no life and health exception for the mother.

AMWA's position on this bill corresponds to the position statement of the organization on abortion and reproductive health services to women and their families.

AMWA believes that the prevention of unintended pregnancies through access to contraception and education is the best option available for reducing the abortion rate in the United States. Legislative bans for procedures that use recognized obstetrics and gynecological techniques fails to protect the health and safety of women and their children, nor will it improve the lives of women and their families. If you have any questions please contact Meghan Kissell, at 703–838–0500.

Sincerely,

LYNN EPSTEIN, MD,
President.

Mrs. BOXER. Mr. President, here is another letter from the Physicians for Reproductive Choice and Health. They are located in New York. They say the legislation is dangerous because it is vague and there is no health exception. They also add something I think they are absolutely right on about. Politicians should not legislate medicine.

This is the first time any Congress has ever outlawed a medical procedure that is supported by the medical community. You may find a few doctors who don't, but the organizations all do. They are very concerned that women's health is not being respected or cared about.

I ask unanimous consent to print this letter from Physicians for Reproductive Choice and Health in the RECORD.

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

PHYSICIANS FOR REPRODUCTIVE CHOICE AND HEALTH,
New York, NY, March 10, 2003.

Hon. BARBARA BOXER,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOXER: We are writing to urge you to stand in defense of women's reproductive health and vote against S. 3, legislation regarding so-called ''partial birth'' abortion.

We are practicing obstetrician-gynecologists, and academics in obstetrics, gynecology and women's health. We believe it is imperative that those who perform terminations and manage the pre- and post-operative care of women receiving abortions are given a voice in a debate that has largely ignored the two groups whose lives would be most affected by this legislation: physicians and patients.

It is misguided and unprincipled for lawmakers to legislate medicine. We *all* want safe and effective medical procedures for women; on that there is no dispute. However, the business of medicine is not always palatable to those who do not practice it on a regular basis. The description of a number of procedures—from liposuction to cardiac surgery—may seem distasteful to some, and even repugnant to others. When physicians analyze and debate surgical techniques among themselves, it is always for the best interest of the patient. Abortion is proven to be one of the safest procedures in medicine, significantly safer than childbirth, and in fact has saved numerous women's lives.

While we can argue as to why this legislation is dangerous, deceptive and unconstitutional—and it is—the fact of the matter is that the text of the bill is so vague and misleading that there is a great need to correct the misconceptions around abortion safety and technique. It is wrong to assume that a specific procedure is never needed; what is required is the safest option for the patient, and that varies from case to case.

THE FACTS

(1) So-called ''partial birth'' abortion does not exist.

There is no mention of the term ''partial birth'' abortion in any medical literature. Physicians are never taught a technique called ''partial birth'' abortion and therefore are unable to medically define the procedure.

What is described in the legislation, however, could ban all abortions. ''What this bill describes, albeit in non-medical terms, can be interpreted as any abortion,'' stated one of our physician members. ''Medicine is an art as much as it is a science; although there is a standard of care, each procedure—and indeed each woman—is different. The wording here could apply to any patient.'' The bill's language is too vague to be useful; in fact, it is so vague as to be harmful. It is intentionally unclear and deceptive.

(2) Physicians need to have all medical options available in order to provide the best medical care possible.

Tying the hands of physicians endangers the health of patients. It is unethical and dangerous for legislators to dictate specific surgical procedures. Until a surgeon examines the patient, she does not necessarily know which technique or procedure would be in the patient's best interest. Banning procedures puts women's health at risk.

(3) Politicians should not legislate medicine.

To do so would violate the sanctity and legality of the physician-patient relationship. The right to have an abortion is constitutionally-protected. To falsify scientific evidence in an attempt to deny womens that right is unconsicionable and dangerous.

The American College of Obstetricians and Gynecology, representing 45,000 obgyns, agrees: ''The intervention of legislative bodies into medical decision making is inappropriate, ill advised and dangerous.''

The American Medical Women's Association, representing 10,000 female physicians, is opposed to an abortion ban because it ''represents a serious impingement on the rights of physicians to determine appropriate medical management for individual patients.''

THE SCIENCE

We know that there is no such technique as ''partial birth'' abortion, and we believe this legislation is a thinly-veiled attempt to outlaw all abortions. Those supporting this legislation seem to want to confuse both legislators and the public about which abortion procedures are actually used. Since the greatest confusion seems to center around techniques that are used in the second and third trimesters, we will address those: dilation and evacuation (D&E), dilation and extraction (D&X), instillation, hysterectomy and hysterotomy (commonly known as a c-section).

Dilation and evaculation (D&E) is the standard approach for second-trimester abortions. The only difference between a D&E and a more common, first-trimester vacuum aspiration is that the cervix must be further dilated. Morbidity and mortality studies acquiring valuable information regarding hereditary illness or fetal anomaly; and there is a decreased risk of injury to the woman, as the procedure is quicker than induction and involves less use of sharp instruments in the uterus, providing a lesser chance of uterine perforations or tears and cervical lacerations.

It is important to note that these procedures are used at varying gestational ages.

Neither a D&E nor a D&X is equivalent to a late-term abortion. D&E and D&X are used solely based on the size of the fetus, the health of the woman, and the physician's judgment, and the decision regarding which procedure to use is done on a case-by-case basis.

THE LEGISLATION

Because this legislation is so vague, it would outlaw D&E and D&X (and arguably techniques used in the first-trimester). Indeed, the Congressional findings—which go into detail, albeit in non-medical terms—do not remotely correlate with the language of the bill. This legislation is reckless. The outcome of its passage would undoubtedly be countless deaths and irreversible damages to thousands of women and families. We can safety assert that without D&E and D&X, that is, an enactment of S.3, we will be returning to the days when an unwanted pregnancy led women to death through illegal and unsafe procedures, self-inflicted abortions, uncontrollable infections and suicide.

The cadre of physicians who provide abortions should be honored, not vilified. They are heroes to millions of women, offering the opportunity of choice and freedom. We urge you to consider scientific data rather than partisan rhetoric when voting on such far-reaching public health legislation. We strongly oppose legislation intended to ban so-called ''partial birth'' abortion.

Sincerely,

NATALIE E. ROCHE, MD,
Assistant Professor of Obstetrics and Gynecology, New Jersey Medical College.
GERSON WEISS, MD,
Professor and Chair, Department of Obstetrics, Gynecology and Women's Health, New Jersey Medical College.

Mrs. BOXER. Mr. President, here is another one. Senator SANTORUM said we had no documentation that the ban would hurt women's health. This is testimony of Vanessa Cullins, vice president of Medical Affairs of Planned Parenthood. She is a board-certified OB/GYN with a master's degree in public health and business administration. She talks about the fact that this bill prevents doctors from exercising necessary discretion and how that is dangerous. She says it outlaws techniques that are critical to the lives and health of American women.

Mr. President, I refer to my colleagues the testimony of Vanessa Cullins, M.D., before the House Subcommittee on the Constitution on March 25, 2003.

Mr. President, then there is the UCSF Center for Reproductive Health Research and Policy. Their first objection to the bill: It fails to protect women's health by omitting an exception for women's health.

I ask unanimous consent to print this letter in the RECORD.

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

UNIVERSITY OF CALIFORNIA, CENTER FOR REPRODUCTIVE HEALTH RESEARCH & POLICY
San Francisco, CA, March 5, 2003.

Hon. BARBARA BOXER,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOXER: I understand that you will be considering Senate S. 3, the ban on abortion procedures, soon, and would like to offer some medical information that may assist you in your efforts. Important stakes for women's health are involved: If Congress enacts such a sweeping ban, the result could effectively ban safe and common, pre-viability abortion procedures.

By way of background, I am an adjunct professor in the Department of Obstetrics, Gynecology and Reproductive Sciences at the University of California, San Francisco, where I co-direct the Center for Reproductive Health Research and Policy. Formerly, I directed the Reproductive Health Program for the Henry J. Kaiser Family Foundation and served as Deputy Assistant Secretary for Population Affairs for the United States Department of Health and Human Services. I represented the United States at the International Conference on Population and Development (ICPD) in Cairo, Egypt, and currently serve on a number of Boards for organizations that promote emergency contraception and new contraceptive technologies, and support reducing teen pregnancy. My medical and policy areas of expertise are in family planning and reproductive health, prevention of sexually transmitted infections including HIV/AIDS, and enhancing international and family planning.

The proposed ban on abortion procedures criminalizes abortions in which the provider ''deliberately and intentionally vaginally delivers a living fetus . . . for the purpose of performing an overt act that the person knows will kill the partially delivered living fetus . . .'' The criminal ban being considered is flawed in a number of respects: It fails to protect women's health by omitting an exception for women's health; it menaces medical practice with the threat of criminal prosecution; it encompasses a range of abortion procedures; and it leaves women in need of second trimester abortions with far less safe medical options: hysterotomy (similar to a cesarean section—and hysterectomy.

The proposed ban would potentially encompass several abortion methods, including dilation and extraction (d&x, sometimes referred to as ''intact d&e''), dilation and evacuation (d&e), the most common second-trimester procedure. In addition, such a ban could also apply to induction methods. Even if a physician is using induction as the primary method for abortion, he or she may not be able to assure that the procedure could be effected without running afoul on the proposed ban. A likely outcome if this legislation is enacted and enforced is that physicians will fear criminal prosecution for any second trimester abortion—and women will have no choice but to carry pregnancies to term despite the risks to their health. It would be a sad day for medicine if Congress decides that hysterotomy, hysterectomy, or unsafe continuation of pregnancy are women's only available options. Williams Obstetrics, one of the leading medical texts in Obstetrics and Gynecology, has this to say about the hysterotomy ''option'' that the bill leaves open: ''Nottage and Liston (1975), based on a review of 700 hysterotomies, rightfully concluded that the operation is outdated as a routine method for terminating pregnancy.'' (Cunningham and McDonald, et al., Williams Obstetrics, 19th ed., (1993), p. 683.)

Obviously, allowing women to have a hysterectomy means that Congress is authorizing women to have an abortion at the price of their future fertility, and with the added risks and costs of major surgery. In sum, the options left open are less safe for women who need an abortion after the first trimester of pregnancy.

I'd like to focus my attention on that subset of the women affected by this bill who face grievous underlying medical conditions. To be sure, these are not the majority of women who will be affected by this legislation, but the grave health conditions that could be worsened by this bill illustrate how sweeping the legislation is.

Take for instance women who face hypertensive disorders such as eclampsia—convulsions precipitated by pregnancy-induced or aggravated hypertension (high blood pressure). This, along with infection and hemorrhage, is one of the most common causes of maternal death. With eclampsia, the kidneys and liver may be affected, and in some cases, if the woman is not provided an abortion, her liver could rupture, she could suffer a stroke, brain damage, or coma. Hypertensive disorders are conditions that can develop over time or spiral out of control in short order, and doctors must be given the latitude to terminate a pregnancy, if necessary, in the safest possible manner.

If the safest medical procedures are not available to terminate a pregnancy, severe adverse health consequences are possible for some women who have underlying medical conditions necessitating a termination of their pregnancies, including: Death (risk of death higher with less safe abortion methods), infertility, paralysis, coma, stroke, hemorrhage, brain damage, infection, liver damage, and kidney damage.

Legislation forcing doctors to forego medically indicated abortions or to use less safe but politically-palatable procedures is simply unacceptable for women's health.

Thank you very much, Senator, for your efforts to educate your colleagues about the implications of the proposed ban on abortion procedures.

Sincerely,

FELICIA H. STEWART, M.D.

Mrs. BOXER. Here you go. We have all of these documents that clearly say the problem with this bill is it makes no health exception; it is vague; it is dangerous for women.

The fact is, the bill passed the Senate. We had these arguments and the bill passed the Senate, but the great news about that debate is that TOM HARKIN offered his amendment, and that is the subject of the vote we are going to have, where I hope everyone votes to disagree with what the House did because what the House did is it stripped out of the bill this very important language that deals with Roe v. Wade.

What did it say? The decision of the Supreme Court in Roe v. Wade was appropriate and secures an important right and such decisions should not be overturned.

It just shows you the real desire of the anti-choice Members of the Congress. They could have taken this language, which has no force of law—it is a basic statement, an important statement, a crucial statement, in my opinion, but it has no force of law. It doesn't say we say Roe v. Wade shall never be overturned and we pass legislation which embodies Roe. We have not done that. I wish we could, I hope

we will, and I think some day we will. I think it is going to take a pro-choice President, but I think some day we will make Roe a law that is actually signed rather than just a court decision. I have offered bills to do that. We have not moved forward because we have had to fight off so many other attempts to restrict Roe.

Indeed, the House could have taken the bill which bans this procedure without a health exception with this language, and it would have been on the President's desk. But they are so against Roe—that is what this is all about—that they had to strip it out, even to slow down the bill.

That is what we are here today discussing: whether the House was right to strip out this sense-of-the-Senate Harkin amendment. We have had a good debate so far. We have some time left. Senator DEWINE is going to speak for the rest of the time this morning, and we will have more time to finish our debate, whether it is before the storm comes or after the storm comes. I don't know how we will resolve that situation.

We will have more debate. It is a very important debate. It is an important debate because before Roe became the law of the land, women died. One could argue how many. I am not going to get into the argument. I have evidence it was 5,000. Senator SANTORUM says his evidence is it is 85. One is too many.

Abortion should be legal in the very early stages, as Roe says. After that, the State should be able to come in and set rules and to say after viability one cannot have any abortion, except to save the life and health of the woman. That is the bottom line of Roe, and that is why we are arguing so strongly that this Senate should go on record disagreeing with what the House did so that when this bill goes over across the street to the Supreme Court they can look at this record, which we will make sure they look at, and see that the Senate, while voting to ban this procedure without a health exception, also said do not overturn Roe.

To me, that is a signal to the Supreme Court that they should rule the bill unconstitutional. We would have been happy to vote for that bill with the health exception. I do not understand why a group that calls itself pro-life will not stand up for the life and health of a woman. I do not understand it.

Look, I respect it because this is America and everyone has a right to his or her opinion, as strong as it may be. I do not mind that. I think it is great. It is what makes our democracy great, that we can have these debates and discussions, but I do not understand how a movement that calls itself pro-life can be that disinterested in the health and the lives of women.

Women are not just vessels that carry babies to term. Women are human beings who deserve to be respected, admired. They need dignity. A woman does not just say, oh, I woke up one morning; I do not want this baby at the late stage; I think I will change my mind. If my colleagues think that about women, they do not know women. We are the nurturers.

Roe v. Wade was a decision that weighed the rights of women with all the other rights that compete, and it came up with what I consider to be a very wise and moderate decision, which is before viability a woman has the right to choose and Senator BOXER, Senator DEWINE, Senator SANTORUM, no Senator, no matter how powerful, no House Member, no President has a right to get involved in the decision that she makes with her doctor, her God, and her loved ones.

We are not her loved ones. I know we want to be loved by everyone—most politicians do—but I can guarantee, we are not. We do not belong in the lives of our citizens at a point where the Court has clearly stated that they have the right and respect to make that choice themselves.

So what did Senator HARKIN do? He said: Let us have an amendment that says Roe v. Wade should not be overturned. We did it. We passed it and the House stripped it out. We are saying we want to vote to disagree with the House. This is Roe:

. . . the preservation of the life or the health of the mother—

Must always be considered.

I am very happy I was able to place into the RECORD the scientific articles which stated that, in fact, there were 5,000 women who died every year of illegal abortions. I pointed out that I do not trust numbers from the Government when the Government was about prosecuting people who had abortions. So I do not trust those particular numbers at that time.

I also was able to place into the RECORD a number of articles, a number of letters, testimony from doctors who deal with these issues every day, not Senators who make up and do this for politics but doctors who take the Hippocratic oath to do no harm to their patients, who are telling us, please, do not go down this path; you are jeopardizing the lives of women.

The Supreme Court is going to get this case, but I hope the Supreme Court also will note that we voted overwhelmingly to disagree with what the House did by stripping out the Harkin amendment that simply says Roe should not be overturned.

I yield back my time, and I yield the floor.

The PRESIDING OFFICER (Mr. CHAMBLISS). The Senator from Ohio.

Mr. DEWINE. Mr. President, first, I would like to thank my colleague from Pennsylvania, Senator SANTORUM, as well as Senator BROWNBACK, Senator GRAHAM of South Carolina, and Majority Leader FRIST for their unending and unwavering efforts to put a permanent end to this horrible partial-birth abortion procedure.

During the time we have served together in this body, they have never given up hope that this Congress and this country would put an end to this barbaric procedure.

Let me also thank my colleague from the State of Ohio, Congressman CHABOT, for his tremendous work in this area as well. He has remained dedicated and continues to be focused on this effort.

It is time that this Senate, this Congress, this country banned a procedure that is inhumane and that has absolutely no medical purpose and that is, quite simply, morally reprehensible. There is no debate about these facts. There is no debate about what takes place during a partial-birth abortion. I submit to my colleagues that the more we know about this procedure, the worse it is. The more we know about it, the clearer it is that we must oppose it. The more we know about it, the easier it is to ban it once and for all.

This is a procedure in which the abortionist pulls a living baby feet first out of the womb and into the birth canal, except for the head, which the abortionist purposely keeps lodged just inside the cervix. As many of us have explained in detail on this Senate floor before, the abortionist then punctures the base of the baby's skull with a long scissors-like surgical instrument and then inserts a tube into the womb removing the baby's brain with a powerful suction machine. This causes the skull to collapse, after which the abortionist completes the delivery of the now-dead baby.

These are the essential facts. No one has ever come to the Senate floor to dispute these facts. This is what a partial-birth abortion is. No one can deny the facts. I can think of nothing more inhumane and indifferent to the human condition.

Every year the tragic effect of this extreme indifference to human life becomes more and more apparent as the procedure is performed all over this country. It is also, of course, performed in my home State of Ohio and actually performed within 20 miles of my home in Ohio. I have spoken on the Senate floor many times before about two particular partial-birth abortions that occurred in Ohio, and I will take a few minutes to recount these tragedies again. They were two typical partial-birth abortions, typical except for the way they turned out.

On April 6, 1999, in Dayton, OH, a woman entered the Dayton Medical Center to undergo a partial-birth abortion. This facility was and tragically continues to be operated by Dr. Martin Haskell, one of the main providers of partial-birth abortions in this entire country. Usually, the partial-birth abortion procedure takes place behind closed doors where it can be ignored, where people do not really know much about it, but in this particular case the procedure was different. There was light shed upon it.

This is what happened, and this is how light was shed upon it: This Dayton abortionist inserted a surgical instrument into the woman to dilate her

cervix so the child could eventually be removed and then killed. We have to understand that this procedure usually takes 3 or 4 days. This is not a quick procedure. It takes 3 days to do it. The woman went home to Cincinnati, expecting to return for the completion of the procedure in 2 or 3 days.

In this case, though, her cervix dilated too quickly and, as a result, shortly after midnight of that day she was admitted to the Bethesda North Hospital of Cincinnati, in her hometown, and the child was born. The medical technician pointed out the child was alive but, sadly, apparently the chance of the baby's survival was slim and after 3 hours and 8 minutes the baby died.

The baby was named Hope. On the death certificate, of course, there is a space for cause of death or method of death. In the case of baby Hope, the method of death is listed as ''natural.''

We, of course, know that is not true. We know all the facts. There was nothing natural about the events that led to the death of this tiny little child because baby Hope did not die of natural causes. Baby Hope died the victim of a barbaric procedure that is opposed by the vast majority of the American people. In fact, a Gallup poll conducted in January of this year shows well over 70 percent of the American people want to see this procedure permanently banned because the American people know it is wrong. They feel strongly about it. We as a Senate, Members of the Congress, should listen to the American people. But more importantly, besides listening to the American people, we need to listen to our own conscience. We know this is wrong.

To almost underscore the inhumanity of this procedure, 4 months later it happened again; again in Ohio, again with the same abortionist. This time, though, something quite different occurred. Once again, in Dayton, this time on August 18, 1999, a woman who was 25 weeks pregnant went to Dr. Haskell's office for a partial-birth abortion. As usual, the abortionist performed the preparatory steps for this barbaric procedure by dilating the mother's cervix. The next day, the woman went into labor and was rushed to Good Samaritan Hospital—again, not what was expected.

Remember, the procedure normally takes 3 full days, but she was rushed there in labor. This time, however, despite the massive trauma to this baby's environment, a miracle occurred and, by the grace of God, this little baby survived and, quite appropriately, she is today called baby Grace.

These types of tragedies have been recounted by medical professionals who have been shocked by the events. There are other stories I would like to tell the Members of the Senate.

Brenda Pratt Shafer, a registered nurse, was assigned to an Ohio abortion clinic in the early 1990s. She was assigned to the same Dr. Haskell abortion clinic.

Nurse Shafer observed Dr. Haskell use the procedure, this procedure, to abort babies. In fact, she testified about it before our Senate Judiciary Committee in 1995. I would like to share with my colleagues what she said because she gave—this nurse did—very gripping, very telling testimony. Nurse Shafer described a partial-birth abortion she witnessed on a child of 26½ weeks. This is what she observed:

> The young woman was 18, unmarried, and a little over 6 months pregnant. She cried the entire 3 days she was at the abortion clinic. The doctor told us I am afraid she is going to want to see the baby. Try to discourage her from it. We don't like them to see their babies.

Nurse Shafer continues:

> Dr. Haskell went in with forceps and grabbed the baby's legs and pulled them down into the birth canal. Then he delivered the baby's body and arms, everything but the head. The doctor kept the head right inside the uterus. The baby's little fingers were clasping and unclasping, his little feet were kicking. The baby was hanging there and the doctor was holding his neck to keep his head from slipping out. The doctor took a pair of scissors and inserted them into the back of the baby's head and the baby's arm jerked out with a flinch, a startle reaction like a baby does when he thinks he might fall. The doctor opened up the scissors, stuck a high-powered suction tube into the opening, and sucked the baby's brains out.
>
> Now the baby went completely limp. He cut the umbilical cord and delivered the placenta. He threw the baby into a pan along with the placenta and the instruments he had just used. I saw the baby move in the pan. I asked the other nurse and she said it was just reflexes. The baby boy had the most perfect angelic face I think I have ever seen in my life.
>
> When the mother started coming around, she was crying. ''I want to see my baby,'' she said. So we cleaned him up and put him into a blanket. We put her in a private room and handed her the baby. She held that baby in her arms, and when she looked into his face, she started screaming: ''Oh, my God, what have I done? This is my baby. This is my baby.''

It is my prayer that there will come a day when I don't have to retell Nurse Shafer's story, that there will come a day when my colleagues, like Senator SANTORUM and Senator BROWNBACK, the Presiding Officer, Majority Leader FRIST, and the rest of us who have fought this battle will not have to come to the Senate floor and talk about partial-birth abortion. Nobody wants to talk about this. But until that day comes when this procedure has been outlawed in our country once and for all, we will have to continue to fight against this ghastly procedure.

Now is the time to ban this awful procedure. It simply is the right thing to do. This Senate must do that.

(The remarks of Mr. DEWINE pertaining to the introduction of S. 1629 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I ask unanimous consent to have the time until Senator BOXER returns.

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

Mrs. MURRAY. I am pleased to join with Senators BOXER and HARKIN in the debate to reaffirm the protections guaranteed to women in the landmark Roe v. Wade decision.

Let's be clear: The Republican leadership is trying to do something extraordinary on the Senate floor, something everyone who cares about the Constitution and women's rights should pay attention to. They have already done it in the House. The Senate, now, is the last line of defense.

It is helpful if we look at the history of this debate to see why the Republican approach is a threat to women's constitutionally protected rights. Earlier this year, the Senate debated the so-called partial-birth abortion ban. I joined with many of my colleagues in speaking against that proposal. I noted the bill was unconstitutional based on the Supreme Court's ruling in Stenberg v. Carhart. In that case, the Supreme Court struck down a similar law in Nebraska because it was too broad and because it did not include an exception for women's health.

We made that case in the Senate, but we were repeatedly turned back. We also offered reasonable amendments to make sure this legislation would not threaten the lives or the health of women and to reduce the number of abortions in America. Opponents rejected almost all of our amendments. That showed me their real goal was not to reduce the number of abortions or to protect women but to use the power in Congress to overturn Roe v. Wade.

As the debate continued in the Senate, my suspicion was confirmed. For example, I introduced a prevention amendment to reduce the number of abortions. My amendment would have provided contraceptive equity in health plans, expanded education about emergency contraceptives, made emergency contraceptives available in the emergency rooms for victims of rape, and would have offered CHIP health insurance coverage to protect women. My amendment was defeated on a budget point of order.

Senator FEINSTEIN offered an amendment to protect the health of a woman. That amendment was defeated as well. That brings us now to the Harkin-Boxer amendment and the reason we are having a debate today. That amendment reaffirmed the Senate's support for the Roe v. Wade decision. It passed the Senate with a bipartisan vote of 52 to 46. The Senate was firmly on the record supporting the Roe decision. Eventually, that so-called partial-birth abortion bill passed the Senate, including the language supporting Roe.

Then something happened, something completely undermined the will of this Senate. The Republican leadership tried to bring up the House version of the bill and send it to conference. Many Members objected. That is why we are here today, to completely disregard the will of the Senate. To disregard the fundamental rights afforded

all women in this country by the United States Supreme Court is unacceptable.

I urge my colleagues to support this motion and send the amendment back to conference. The Senate needs to send the right message to the Supreme Court and to women across this country—that their inherent right of privacy and their right to make reproductive health care decisions will not be jeopardized. This is another attempt to circumvent the Supreme Court's ruling in the Stenberg v. Carhart case. The authors of this bill tried to get around the law of the land by inserting a section of congressional findings in their unconstitutional bill. These findings dispute the basis for the Supreme Court's decision, and they state that Congress finds the partial-birth abortion ban legislation to be constitutional.

The authors of this legislation claim that congressional findings are all that is necessary to ensure a law is constitutional. That is a bit optimistic on their part, and it ignores past congressional findings that were ignored by the Court.

The Court struck down the Nebraska law for one reason. It did not contain any consideration for the health of the woman as prescribed in the original Roe decision.

Telling the Court that Congress does not find women's health to be important does not meet the constitutional test.

It is somewhat surprising that opponents of this motion would now argue that talking about Roe or the constitution protections provided in Roe is not relevant.

One of the reasons I opposed S. 3, the so-called Partial Birth Abortion Act, was because I know this legislation is unconstitutional. It simply does not meet the constitutional test that requires providing some consideration for the health of the woman.

The Court has been extremely clear on this point.

We are voting to ban a legal, safe medical procedure that is used to save the life and health of women. Proponents of this legislation will argue that S. 3 does not undermine Roe, that it does not jeopardize a woman's life or health, and that it simply bans one procedure. I think we all know the true objective here. It is to overturn Roe piece by piece.

The other side claims they are not seeking to overturn Roe but, rather, to protect women and the unborn. If they really believe this and they are not concerned with a constitutional challenge, they should support the Harkin-Boxer amendment. This amendment should be part of any final legislation.

I think it is important to discuss what Roe did and did not say.

I often hear that Roe allows for abortion on demand at any stage of the pregnancy. That is simply not true. The Justices worked very hard to achieve a balance between the privacy of the woman and the interests of the state. They found this balance by distinguishing between pre- and post-viability. The underlying issue in Roe was privacy.

The Roe case built on the precedent established in Griswold v. Connecticut, which outlawed State laws that criminalized or hindered the use of contraception because they violated the right to privacy.

In the Roe decision, the Supreme Court used this same right of privacy to prohibit laws that banned abortions performed before viability. After viability, the Court did rule that the State does have a prevailing interest to restrict abortion, which is why so few abortions are performed late in pregnancy. Eighty-eight percent of abortions are performed before the end of the first trimester of pregnancy, and 98 percent occur during the first 20 weeks.

What the Court said regarding post-viability is that the State could restrict access, but the law must include a health and life exception. The Supreme Court found that the State's right to restrict or regulate abortion could not—and let me repeat, could not—jeopardize the life or health of the woman.

It is disheartening to me that efforts to overturn or restrict the rights afforded in the Roe decision often exclude any consideration for the life or health of the woman.

I have heard supporters of S. 3 claim that so-called partial-birth abortions jeopardize a woman's health and are never necessary to protect the health of the woman. If anyone doubts that Roe was not important for the life and health of a woman, they should consider the world before Roe.

In 1973, abortion, except to save a woman's life, was banned in nearly two-thirds of our States. An estimated 1.2 million women each year were forced to resort to illegal abortion, despite the risks associated with unsanitary conditions, incompetent treatment, infection, and hemorrhage.

Because the procedure was illegal, there is no exact figure on the number of deaths caused by illegal abortions in the U.S. One estimate that was made before 1973 attributed 5,000 deaths a year to illegal abortions.

According to a 1967 study, induced abortion was the most common single cause of maternal mortality in California. The number of deaths per 100,000 legal abortion procedures declined from 4.1 percent to 0.6 percent between 1973 and 1997. The choices women had prior to 1973 were often the choice between life and death.

The Roe decision, coupled with the Griswald decision that gave women the right to contraceptives, finally gave women full and just reproductive choice.

But again the Roe decision does not allow for abortion on demand. The decision placed the appropriate restrictions on late-term abortions without forcing women into the back alleys.

Currently, 41 States have laws that restrict or ban post-viability abortions, except to save the life and health of the woman. This is consistent with Roe. Clearly, Roe did not result in abortion on demand at any stage in the pregnancy.

today we are ready to turn back much of what was achieved in Roe by banning a safe medical procedure at any stage of the pregnancy regardless of the threat to the woman. S. 3 removes any consideration of the health of the woman. Personally, I believe the Court will strike down this misguided legislation when it passes. However, we should send the right message to the Court that the U.S. Congress supports the Roe decision and believes that the right of privacy is an important protection for all Americans.

I am fortunate to represent a State that has twice voted to reaffirm Roe and to protect a woman's right to reproductive choice. In fact, in 1998, a similar effort to ban a safe and legal abortion procedure was defeated in Washington State. People in Washington State understand the need to provide for the health and the life of a woman.

In fact, a recent ABC News poll shows a majority of Americans support a health exception for the woman for late-term abortion. The poll—which was just conducted in July—asked, if a late-term abortion would prevent a serious threat to the woman, should it be legal? Twenty percent said it should be legal in all cases, 41 percent said it should be legal if health is threatened—a total of 61 percent. This poll shows what many of us believe, that a woman's health is an important factor and consideration.

This motion will give Members the chance to cast their vote either in support of Roe or in support of overturning this landmark decision. If you believe that women in this country should be afforded full reproductive choice, then you must vote to ensure that the Harkin-Boxer amendment remain part of any final conference agreement on S. 3. If you oppose this amendment, you are saying that you do not believe that the Constitution provides women with the right of privacy and that there should be no consideration for the health and life of the woman.

I hope we don't turn back the clock on the floor of the Senate and place women in this country at risk again.

ROE ROE. V. WADE

Mr. DODD. Mr. President, I express my cooperation, sense of solidarity with my colleague from California, Mrs. BOXER, and others under very unusual procedural circumstances. In my almost 24 years in the Senate, I cannot recall ever rising to speak on a motion to disagree with a House amendment on a Senate bill and request a conference. As all of my colleagues know, these motions are rarely if ever debated. They are routinely adopted. And

while this particular motion may well be adopted today or tomorrow there is nothing routine about it, because what we're discussing is one of the most divisive issues this country has ever faced—the issue of abortion, and specifically, the issue of whether or not the decision reached in Roe v. Wade should be the prevailing law of the land.

When this legislation was initially before the Senate, Senators HARKIN and BOXER introduced a simple sense of the Senate amendment that stated Roe v. Wade was a fair and balanced affirmation of a woman's constitutional right to privacy and self-determination. Of course, as Senator BOXER has pointed out, a woman's right to choose is not unlimited. As Roe v. Wade held, once a fetus becomes viable from a medical point of view, abortions may be regulated, although States must allow abortions when necessary to preserve a woman's life or health. Perhaps that's why a majority of Americans continue to support Roe v. Wade. Most Americans believe that this most difficult of decisions is, as an initial matter, best made in private by a woman and those with whom she chooses to share in the making of her decision—her doctor, her family, and her loved ones.

Most Americans believe that politicians are ill-equipped to understand the unique, complex, and often wrenching factors that so often bear on whether or not a woman decides to terminate a pregnancy. And most Americans believe that abortion should be as it has consistently been for the past 30 years—safe, legal, and rare.

There are those among my colleagues in the House and Senate who do not support the Harkin-Boxer language because they do not support Roe v. Wade. That is certainly their right, and they are entitled to the views they hold. In this Senator's view, however, eroding Roe v. Wade or repealing it outright would be a mistake of historic proportions, with devastating consequences for American women.

The history of our Nation is one of securing and protecting freedoms and inalienable rights that we are all entitled to as American citizens. Eviscerating the rights annunciated by Roe v. Wade would run counter to this historic trend in our Nation's life. I look back on history and think about other times when attempts were made to repeal civil and privacy rights our citizens possessed. Obviously, prohibition comes to mind. We all know it was a social failure that resulted in the unregulated production of distilled spirits and other alcoholic substances that jeopardized the health of countless Americans. I think of the internment of Japanese-Americans during World War II, when tens of thousands of citizens were taken forcibly from their homes and livelihoods, and stripped of nearly all their possessions simply because of their ethnicity. And, of course, I think of our country in the aftermath of the Civil War, when the thirteenth, fourteenth, and fifteenth amendments to the Constitution—promising the full blessings of equality to all Americans regardless of race—were followed by a century of Jim Crow laws designed to deny those blessings to tens of millions of Americans.

Surely, eroding or repealing Roe v. Wade would be considered a step of equal gravity and error because it would deprive half our population of a right that, while not unlimited, is fundamental to being an American.

What would the implications of denying this right be? One need not look further than when abortions were deemed illegal in this country—before Roe v. Wade was decided in 1973. Women were forced to seek abortions in back alleys and basements. Women were forced to seek abortion by many people wholly unqualified to perform the procedure. And we all know the results were disastrous to women in this country—untold numbers of whom suffered sickness, permanent disability, and death.

Surely, this not the kind of America we want for the women of our country, nor is it the kind of America we want for men who have wives, daughters, sisters, and nieces. Therefore, as this bill moves forward, I hope a majority of our colleagues will continue to support the constitutional protections given to women under Roe v. Wade.

Mr. FEINGOLD. Mr. President, earlier this year, the Senate passed S. 3, the Partial Birth Abortion Ban Act. I opposed that bill and instead supported a constitutionally sound alternative offered by my colleague, Senator DURBIN. The Durbin alternative would ban post-viability abortions unless the woman's life is a risk or the procedure is necessary to protect the woman from grievous injury to her physical health.

I understand that people on all sides of this issue hold sincere and strongly held views. I respect the deeply held views of those who oppose abortion under any circumstances. Like most Americans, I would prefer to live in a world where abortion is unnecessary. I support efforts to reduce the number of abortions through family planning and counseling to avoid unintended pregnancies. I have always believed that decisions in this area are best handled by the individuals involved, in consultation with their doctors and guided by their own beliefs and unique circumstances, rather than by Government mandates.

I support Roe v. Wade, which means that I agree that the Government can restrict abortions only when there is a compelling State interest at stake. I feel very strongly that Congress should seek to regulate abortions only within the constitutional parameters set forth by the U.S. Supreme Court. That is why I supported the inclusion of language in S. 3 reaffirming the Senate's commitment to Roe and its belief that Roe should not be overturned. The Senate had a straight up-or-down vote on the Harkin amendment, and a majority of the Senate agreed to support the Harking amendment.

The House was wrong to remove this language during its consideration of the bill. I sincerely hope that the final version of this bill that goes to the President's desk for his signature contains this important reaffirmation of Roe v. Wade.

Mr. LAUTENBERG. Mr. President, I rise in strong opposition to the bill before us, S. 3. I voted against this bill and I do not intend to support the House position.

When the Senate passed this bill, we added an important amendment offered by our colleague Senator HARKIN. The amendment reaffirmed support for the Supreme Court's decision in Roe v. Wade. The only difference between S. 3 as the Senate passed it and then as the House passed it is Senator HARKIN's amendment. The House stripped Senator HARKIN's amendment from the bill.

Since the Harkin amendment was a sense of the Senate and does not have the force of law, I must ask, why did the House remove this language? It does nothing to fix the harmful policy the underlying bill would establish.

The Republican leadership and their anti-choice friends would like you to believe that removing the Harkin language is just a procedural motion. Don't be fooled. Stripping S. 3 of the Harkin amendment reaffirming Roe v. Wade shows us what the President and his anti-choice allies are really after. They want to overturn Roe v. Wade; S. 3 puts them on that path.

A woman's right to choose is in greater danger now than it has been at any other time since the Supreme Court issued Roe v. Wade 30 years ago. The House's action neatly comports with an overtly anti-choice administration striving to undermine reproductive freedom.

I thank Senator BOXER for offering the motion to disagree to the House action so that, at a minimum, we have an opportunity to talk about what is really going on.

The underlying bill makes a pretense of protecting women but really, what we have here is a bill that takes away rights while doing nothing to help anyone. There is no such medical term as ''partial-birth'' abortion, and that is intentional. The anti-choice zealots who drafted that term want the bill to be ambiguous so it will have a chilling effect on physicians.

If S. 3 is ultimately passed and President Bush signs it into law—he will become the first U.S. President to criminalize safe medical procedures.

Nobody is fooled by the real objective of S. 3 to chip away at a woman's right to choose, to criminalize legal and safe abortion procedures.

This bill isn't even constitutional. There is no exception for the health of the mother. When we debated this bill back in March those of us who are pro-choice said we will accept this bill if

you make an exception for the life and health of the mother. Yet sponsors have repeatedly resisted pro-choice lawmakers' attempts to include a health exception such as the Feinstein substitute, which was defeated.

Five members of the current Supreme Court have invoked Roe to invalidate a State ban on so-called partial-birth abortions.

During last night's debate, the junior Senator from Pennsylvania characterized the Harkin amendment—a reaffirmation of current law—as extreme. That is absurd. Not being will to protect a woman's health is extreme. It is extreme and it is wrong.

Taking away the freedom of women to make choices about their own reproductive health—that sounds like one of the reasons why we kicked the Taliban out of Afghanistan.

I urge my colleagues to defeat this ill-disguised attempt to overturn Roe v. Wade.

Ms. MIKULSKI. Mr. President, I rise today in support of the Harkin/Boxer motion and the Roe v. Wade decision that was made by the Supreme Court over 30 years ago.

The Supreme Court's acknowledgment of the fundamental ''right to privacy'' in our Constitution gave every woman the right to decide what to do with her own body. Since that historic day, women all across the country and the world have had improved access to reproductive health care and services.

In March, the Senate passed a resolution supporting Roe v. Wade during the debate of the partial birth abortion bill. The resolution should be retained in the bill during conference. The Roe v. Wade decision is important to women's rights, women's health and public health.

Because efforts have been made over the years to educate and inform women about their choices, unwanted pregnancies are at their lowest levels since 1974. Teenage pregnancies have declined almost 50 percent since 1987.

While Roe v. Wade is still the law of the land today, it has been systematically challenged and weakened. What stands today is a hollowed version of one of our Nation's most important accomplishments for women. What keeps Roe from vanishing altogether is our unwavering commitment to protect a women's right to choice.

I strongly support a woman's right to choose and have fought to improve women's health during the more than two decades I have served in Congress. Whether it is establishing offices of women's health, fighting for coverage of contraceptives, or requiring Federal quality standards for mammography, I will continue the fight to improve women's health.

I believe that this bill is the first step in a plan by the leadership of this Congress to overturn Roe v. Wade. Congress must protect a woman's freedom of choice that was handed down by the Supreme Court over 30 years ago.

This Congress must not turn back the clock on reproductive choice for women. I urge my colleagues to retain the resolution in support of Roe v. Wade in the final bill.

Mr. VOINOVICH. Mr. President, I rise in strong support of the motion to proceed to conference on the Partial Birth Abortion Ban Act. We passed the legislation to ban this barbaric procedure on March 13, 2003, by a vote of 64 to 33, and I am shocked that we are back on the Senate floor in September, still debating whether to send this bill to conference. Just imagine the number of lives we could have saved if we had sent this bill to the President 6 months ago, when we first passed it.

The subject of partial-birth abortion is not a new one for me. Eight years ago, when I was Governor of Ohio, we were the first State to pass a partial-birth abortion ban, which was unfortunately struck down by the courts. Subsequent to that, I watched the partial birth abortion ban make its way through the 104th and 105th Congresses, only to be vetoed by President Clinton. After I arrived in the Senate in the 106th Congress, I gave a speech in support of a partial birth abortion ban that passed both Chambers, but never made it to conference. We cannot let this happen again. Now is the time to get this done.

During debate on this bill, I listened to my colleagues quote statistics and spout off facts about medical necessity and the health of the mother. We can all quote different statistics, but the bottom line is that there is no need for this procedure. Most of these partial birth abortions are elective. They take 3 days to complete and are never medically necessary. If a mother really needs an abortion, she has alternatives available to her that are not as torturous as partial birth abortion.

The victims of the partial birth abortions are human beings. I find it interesting that they are sometimes called living fetuses. Whether they are called babies or fetuses, no one seems to dispute the fact that they are living. In fact, they are human babies and they can feel pain. When partial birth abortions are performed, these babies are just 3 inches away from life and, for that matter, seconds away.

I strongly urge all of my colleagues to vote to send this bill to conference and stand up against what I refer to as human infanticide. This is not a vote on Roe v. Wade. This is a vote to eliminate a horrible procedure that should be outlawed in this country. In his State of the Union Address this year, President Bush again pledged to support the legislation and said, ''We must not overlook the weakest among us. I ask you to protect infants at the very hour of their birth and end the practice of partial birth abortion.''

I urge my colleagues to vote in favor of this motion so we can send a bill to the President that will finally ban partial birth abortions in the United States of America.

Ms. CANTWELL. Mr. President, I rise today to speak to the issue of protecting a woman's right to choose. I am here to reiterate what the majority of us in the Senate clearly expressed this spring on behalf of women when we voted on an amendment to S. 3, sponsored by the good Senator from Iowa, my colleague Senator HARKIN.

That amendment—in no uncertain terms—reaffirmed the sense of the Senate that No. 1, abortion has been a legal and constitutionally protected medical procedure throughout the United States since the Supreme Court decision in Roe v. Wade; and No. 2, the 1973 Supreme Court decision in Roe v. Wade established constitutionally based limits on the power of States to restrict the right of a woman to choose to terminate a pregnancy.

Furthermore, the amendment firmly laid out the sense of the Senate that the decision of the Supreme Court in Roe v. Wade was appropriate and secures an important constitutional right and that the decision should not be overturned.

Let me repeat that. A majority of my colleagues voted for the Senator HARKIN amendment. That the House remove the amendment from S. 3 is a travesty and I must vehemently disagree with that action. It is incumbent upon the majority of those of us in this chamber who affirm the constitutional right to choose to send a clear message to the House as the bill goes to conference that Roe is still—and will continue to be—the supreme law of the land. My colleague from the State of California, Senator Boxer, has been a true champion on this issue. She is an unwavering and tireless advocate for women, the country—and the world over. On Monday, she revisited how we found ourselves in the position we are now. As Senator Boxer explained, the House returned S. 3 to the Senate without the Harkin amendment affirming Roe.

Because S. 3 is at the heart of this issue, I would like to spend some of my time speaking to this underlying bill, which is undoubtedly and unfortunately going to end up on the President's desk and which the President will most assuredly sign.

If the President signs S. 3, he will be signing an unconstitutional measure into law. As I have said before, and at the risk of sounding like a broken record, Roe v. Wade held that women have a constitutional right to choose. However, after the point of viability—the point at which a baby can live outside its mother's body—States may ban abortion as long as they allow exceptions when a woman's life or health is in danger. Yet the legislation that comes before us and will go to the President lacks that important health exception and, therefore, fails to provide for a woman when her health or her life is in danger.

In June 2000, the U.S. Supreme Court reinforced the importance of this health exception in Stanberg v. Carhart, which determined that a Nebraska law banning the performance of

so-called ''partial birth'' abortions violated the Roe ruling by the Supreme Court.

The Supreme Court has stated unequivocally that every abortion restriction, including bans on so-called ''partial birth abortion,'' must contain a health exception. The Court emphasized that, by failing to provide a health exception, the Nebraska law would place a woman's life in danger.

That is exactly what the legislation before us today does as well: It places a woman's life in danger.

Despite the Supreme Court's very clear mandate, this underlying legislation does not provide an exception for the health of the mother. For this reason, this legislation, like the measure that was struck down in Stenberg, is unconstitutional.

Moreover, this legislation imposes an undue burden on a woman's ability to choose by banning abortion procedures at any stage in a woman's pregnancy. This bill does not only ban post-viability abortions, it unconstitutionally restricts women's rights regardless of where the woman is in her pregnancy.

I fundamentally believe that private medical decision should be made by women in consultation with their doctors—not politicians. These decisions include the methods by which a physician chooses to treat his or her patients. Why should we decide that here on the Senate floor? Congressional findings cannot possibly make up for medical consultation between a patient and her doctor, but this will would undermine a physician's ability to determine the best course of treatment for a patient.

Physicians must be free to make clinical determinations, in accordance with medical standards of care, that best safeguard a woman's life and health. Women and their families, along with their doctors, are simply better than politicians at making decisions about their medical care. And I don't want to make those decisions for other women.

Three States, including my home State of Washington, have considered similar bans by referendum. All three failed. We considered this debate in my home State in 1998. The referendum failed decisively—by a vote of 57 to 43 percent.

These so-called ''partial birth'' abortion bans—whether the proposals that have been before the Senate in the past or the one before us today—are deliberately designed to erode the protections of Roe v. Wade, at the expense of women's health and at the expense of a woman's right to privacy.

The Supreme Court, during the 30 years since it recognized the right to choose, has consistently required that when a State restricts access to abortion, a woman's health must be the absolute consideration. This legislation does not only disavow the Supreme Court's explicit directive, but the advice of the medical community, and the will of the American people. We must continue to ensure that the woman of America have the right to privacy and receive the best medical attention available.

I urge my colleagues to disagree with the actions of the House and demand that the amendment expressing the Sense of the Senate that Roe v. Wade was rightly decided be included in S. 3.

Mrs. FEINSTEIN. Mr. President, I rise today to support the motion to disagree with the House message accompanying S. 3, the late-term abortion bill, and to speak today about a very important Supreme Court decision: Roe vs. Wade.

A provision was included in the late-term abortion bill that passed the Senate in March recognizing the importance of Roe v. Wade in securing the constitutional right to choose and stating that this decision should not be overturned.

This provision was a simple Sense of the Senate resolution. Let me read its exact language:

> (1) the decision of the Supreme Court in Roe v. Wade (410 U.S. 113 (1973)) was appropriate and secures an important constitutional right; and
>
> (2) such decision should not be overturned.

I am pleased that this amendment was added on a strong bipartisan vote of 52 to 46.

Unfortunately, though, the similar House-passed late-term abortion bill lacks this language. Indeed, the House refused to agree to it.

While I oppose both the House and Senate late-birth abortion bills because I believe that they are too broadly written, lack an exception for women's health, and are flagrantly unconstitutional, I strongly support the Roe v. Wade language we added to the Senate-passed bill. That is why I plan to vote for the motion to disagree today.

The past 30 years, since the Supreme Court upheld a woman's right to choose, have brought a great deal of change for women in America. Some of that has been good, while some has not been so good.

But now, in 2003, the right to choose is under attack—and more so, I believe, than any other time during the last 30 years. It's easy to take the right to choose for granted. For many women, it is all they have ever known. The option has always been available. I lived during a time, however, when an estimated 1.2 million women each year resorted to illegal, back-alley abortions despite the possibility of infection and death. I remember that time very vividly. In college during the 1950s, I knew young women who found themselves pregnant with no options. I even knew a woman who committed suicide because she was pregnant and abortion was illegal in the U.S. I also remember the passing of a collection plate in my college dormitory so that another friend could go to Mexico for an abortion.

Later, in the 1960s, I spent 8 days a year for 5 years sentencing women to California prisons. I even sentenced individuals who performed abortions because, at that time, abortion was still illegal in my State.

I remember these cases particularly well. I remember the crude instruments used. I remember women who were horribly damaged by illegal abortions. In fact, the only way a case really came to the attention of the authorities was if the woman getting the abortion died or was severely injured.

I will never forget one woman whom I sentenced to 10 years—the maximum sentence because she had been in and out of State institutions several times. I asked her why she continued to perform abortions. She said,

> Because women are in such trouble and they have no other place to go, so they came to me because they know I would take care of them.

Not a year has gone by since I became U.S. Senator that some legislator hasn't proposed legislation that would compromise this right—that would return us to the days of the 50s, 60s, and early 70s. But, fortunately, we have been able to beat back many of these attempts, either in Congress or in the courts.

What concerns me the most about the debate we are having today about Roe v. Wade is that it is the beginning of a long march to take women back 35 years, back to the passing of the plate at Stanford, back to the back-alley abortions and trips to Mexico, and back to the time when women could not control their own bodies.

What we are hearing today is that some Senators are so uncomfortable with the right to choose that they want to strip out language that recognizes the importance of Roe v. Wade and that States, consistent with current Supreme Court jurisprudence and settled caselaw, that the decision should not be overturned.

But it is because of Roe—and only because of Roe—that women have been able to decide over the past 30 years, in consultation with their doctors, about whether to terminate a pregnancy in the first trimester without interference from the state or federal government.

Let me talk a little about this landmark opinion.

In 1973, in Roe v. Wade, the Supreme Court decided that a woman's constitutional right to privacy includes her qualified right to terminate her pregnancy.

The Court also established a trimester system to govern abortions. In that system, in the first 12 to 15 weeks of a pregnancy—when 95.5 percent of all abortions occur and the procedure is medically the safest—the abortion decision and its effectuation must be left to the woman and her doctor.

In the second trimester, when the procedure in some situations poses a greater health risk, States may regulate abortion, but only to protect the health of the mother. This might mean, for example, requiring that an abortion be performed in a hospital or performed by a licensed physician.

In the later stages of pregnancy, at the point the fetus becomes viable and is able to live independently from the mother, the state has a strong interest in protecting potential human life. States may, if they choose, regulate and even prohibit abortion except where necessary to preserve the life or health of the woman.

In 1992, in Planned Parenthood v. Casey, the Supreme Court specifically reaffirmed Roe's standard for evaluating restrictions on abortion after viability but eliminated Roe's trimester framework by explicitly extending the state's interest in protecting potential life and maternal health to apply throughout the pregnancy.

Thus, under Casey, regulations that affect a woman's abortion decision that further these state interests are valid unless they have the ''purpose or effect'' of ''imposing a substantial obstacle'' in the woman's path.

However, the bottom line is that in Casey the Court retained the ''central holding'' of Roe v. Wade. As a result, women in all 50 States still enjoy the constitutional right to choose.

The challenge for American men and women who support a pro-choice agenda will be to continue to make their voices heard in an environment that appears focused on nullifying all reproductive rights and trying to overturn Roe after 30 years.

Roe v. Wade secured an important constitutional right—a right I strongly support.

I am deeply concerned about passing a late-term birth abortion bill that doesn't include language recognizing the importance of Roe. That is why I believe that we should disagree with the House message accompanying S. 3.

I urge my colleagues to vote to support the language in the Senate-passed version of S. 3 regarding the importance of Roe v. Wade. We cannot—we must not—go back to a time without choice.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT AGREEMENT—H.R. 2754

AMENDMENT NO. 1723

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the passage of H.R. 2754, the energy and water appropriations bill, it be in order to consider and agree to the amendment that is at the desk. I have cleared this with the Republican manager of the bill, Senator DOMENICI.

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

The amendment (No. 1723) was agreed to, as follows:

On page 16, end of line 12, before the ''.'' insert the following:

: *Provided further*, That $65,000,000 is provided to be used by the Secretary of the Army, acting through the Chief of Engineers, to repair, restore, and clean up projects and facilities of the Corps of Engineers and dredge navigation channels, restore and clean out area streams, provide emergency stream bank protection, restore other crucial public infrastructure (including water and sewer facilities), document flood impacts, and undertake other flood recovery efforts considered necessary by the Chief of Engineers

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

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

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 2691, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 1724

Mr. BURNS. Mr. President, I call up a substitute amendment which is at the desk. This amendment is the text of S. 1391.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BURNS] proposes an amendment numbered 1724.

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

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

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. BURNS. Mr. President, I am pleased to bring before the Senate the Interior and related agencies appropriations bill for fiscal year 2004. In dollar terms, this is a modest bill compared to many of the appropriations bills we tackle in this body. It totals about $19.6 billion in discretionary budget authority. But in terms of its direct impact on the lives and livelihoods of the people and communities throughout this country, it is a critical bill, and it is of particular importance to the Western States, such as my State of Montana, where the Department of the Interior and the Forest Service either own or manage in trust vast acres of land.

These are lands where my constituents live. This is where they graze livestock, where they mine, where they hike, hunt, fish, and timber. What we do in this bill affects all of those activities.

It is not just a public lands bill. It is also a bill that provides education, health care, and other core services for the Native Americans of America.

It supports energy research and development that fosters economic growth, strengthens our national security posture, and improves the quality of our environment. And it supports the treasured cultural institutions, such as the Smithsonian and the National Endowment for the Humanities—institutions that help tell the story of America and that remind us who we are as a people.

As I suspect is the case with many of my colleagues who have chaired appropriations subcommittees, the more I learn about the agencies funded in this bill, the harder it gets to make tough choices that have to be made, particularly in the current fiscal climate.

The President's fiscal year 2004 budget request for the Interior bill was $19.56 billion in discretionary budget authority, a modest increase over the comparable level for fiscal year 2003.

While the budget request included increases for several activities that have considerable merit, it also proposed severe reductions in a number of critical programs that have broad support within the Senate. With an allocation that is effectively the same as the President's request, we had to make some tough choices.

That said, with the help of Senator DORGAN, my good friend and neighbor from North Dakota, we have been able to fashion a responsible bill that does a number of very positive things.

The bill provides increases for the core operating programs of the land management agencies, including $72 million for our National Park System and $31 million for the Fish and Wildlife Service. The funds provided for the park system include $20 million over the budget request to increase the base operating budgets of individual parks.

The bill also increases funding for Bureau of Land Management operations by $27 million and adds $34 million to the President's request for Forest Service activities.

From the Land and Water Conservation Fund, the bill appropriates $511 million. This includes $222 million for Federal land acquisition, an increase of $35 million over the budget request and more than double the House total of $100 million. As is always the case, there was great interest in increasing funding for the land, water, and conservation programs, but I think the amount provided is reasonable given the constraints of the subcommittee allocation and the many other demands on this bill.

The Interior bill also supports several grant programs. I won't go through all the numbers, but among

the highlights is a $30 million increase over the budget request for payments in lieu of taxes; a $15 million increase for State wildlife grants; and an increase of $9 million for the Historic Preservation Fund. The bill also restores a proposed $16 million cut in the Abandoned Mine Land Reclamation Fund.

Let me explain PILT, payment in lieu of taxes. This is the money that goes directly to the counties to support their activities where a large amount of Federal land is found—BLM land, anyway.

As I mentioned previously, the Interior bill is a vitally important bill for Native American communities. It increases funding for the Indian Health Service by $88 million over the enacted level, for a total of $2.9 billion.

It includes $574 million for Indian education programs which fully funds the budget request for Indian school replacement. It also provides an increase of $6 million for tribal community colleges. This is a subject that is of particular interest to both Senator DORGAN and me and one we may discuss further as we progress with this legislation.

The bill also provides $243 million for the Office of Special Trustee to continue the administration efforts to improve the management of Indian trust assets. This is an increase of $95 million over the enacted level.

While I strongly believe Congress must support trust reform, let there be no mistake that reform is coming at a very significant cost in terms of money, personnel, and management focus. Vital concerns in Indian country are being shortchanged because trust reform and related litigation are draining both funds and morale.

We would all like there to be a simple solution, but there just isn't one. Settling the case may ultimately be the answer, but at this stage, the plaintiffs and the administration do not appear ready to have productive negotiations. Even if we settle on any past damages, the question remains as to how we manage Indian trust assets in the future. This bill continues to support the Department's reform efforts to the greatest extent possible.

I will continue to work closely with the Department, with the authorizing committees, and with Indian country to advance the reform effort so we can get ourselves out from under this immense cloud.

The Interior bill also supports an important piece of our Nation's energy portfolio, including research on fossil energy and energy efficiency, the operation of the Strategic Petroleum Reserve. This bill provides $1.67 billion for Department of Energy programs, including $862 million for energy conservation and $594 million for fossil energy research and development.

Among the cultural programs supported by this bill, the Smithsonian will receive an additional $10 million to prepare for the opening of two new museums, the Air and Space Museum extension near Dulles Airport, and the National Museum of the American Indian on The Mall. The National Endowment of the Arts will get $117 million and the National Endowment for the Humanities will get $142 million. This is an increase of $15 million for the NEH, for an American history initiative.

This has been something the new Member of this body, Senator ALEXANDER from Tennessee, has worked on very hard ever since his arrival in the Senate and something he and I have discussed many times. I know Senator ALEXANDER and his staff have been meeting with administration officials and the authorizing committees to discuss ways of aligning the administration's American history proposal with his own.

It is my understanding those discussions are going well.

Certainly we should all be pulling in the same direction on an issue such as this. I am excited about this initiative, and I want to applaud our good friend from Tennessee for his hard work.

Finally, I want to talk about funding of wildland fire management. This is a subject we find ourselves discussing again and again. The reason is this: The current system we have for the fire suppression budgeting is broken. Again and again we find ourselves in a situation where both the Forest Service and the Department of Interior are forced to borrow massive amounts of money from other budget accounts to fight the fires. Those accounts are inside their own agencies.

This is a reasonable mechanism when the amounts being borrowed are relatively modest, when the borrowing occurs only during particularly bad fire years, and when sufficient surplus carryover funds are readily available. But the borrowing has become routine and the amounts involved are massive. We no longer have large carryover amounts in other accounts. This carryover has disappeared in many accounts with the decline of the timber program and the revenues it produced.

Last year, we borrowed heavily from a number of Forest Service and Interior accounts, causing both agencies to stop conducting certain activities until those amounts were repaid or replaced. In the end, however, we only repaid about 60 cents of every dollar borrowed, which is the amount proposed by the administration in its supplemental request.

As a result of this shortfall, a large number of congressionally approved projects have either been cancelled or reduced in scope. This year we find ourselves in the same situation. Prior to the recess, my colleagues may recall I was very upset that the House sent us a supplemental appropriations bill that did not include the fire funds requested by the administration. Those funds were desperately needed in August when my State of Montana was suffering from dozens of significant fires. The presence of smoke was almost constant during the time I spent in Montana over the recess. In fact, two airports had to be closed for a period of time because of smoke.

In a way, I am glad we did not act then. I say this because the $289 million that is under discussion in the legislative branch appropriations bill is totally inadequate. I would not want anybody to believe that this amount begins to take care of our problem. The Department of Interior has already borrowed $130 million from other accounts to fight fires this summer. It expects to borrow $30 million more before the end of the fiscal year. The Forest Service has already borrowed—and get this figure—$595 million and is contemplating another $100 million transferred to get us through this fiscal year. Roughly speaking, we will borrow $850 million from other accounts before the end of the fiscal year.

Simply providing the $289 million in the pending administration request does not do the trick. These funds, for the most part, have already been spent.

There are not options at this point. We need to repay those accounts soon and we need to repay them in full. Sixty cents on the dollar this time around would be devastating to a wide variety of programs. They range from endangered species monitoring to facilities construction, from acquisition to processing even the simplest forms of grazing permits. It would amount to a de facto rescission of funds that this Congress voted to appropriate when it approved the 2003 bill.

My colleagues will hear more from me later on this issue, and I will likely have an amendment to offer at some point, but for now I want to use this opportunity to tell my colleagues this is not just a problem for those States where there has been fire. It is a problem for every State in this country, because the funds are effectively borrowed from every State, including the projects and programs that were funded at a specific request of Members in this body. So I call on the administration to send up another supplemental request, one that fully reflects the amounts that will be spent on fire suppression this fiscal year.

I thank my friend, Senator DORGAN, and his staff. They have been great to work with. Of course, we come from almost the same part of the country—in fact, we are neighbors—so it was very easy for neighbors to get together and to roll up our sleeves and put this bill together. His input has been very valuable. We have tried to fashion a bill that reflects the priorities of the Senate as a whole. I think this bill does just that.

So I urge my colleagues who have amendments to get them to me or to my staff as quickly as possible so we can deal with them and get this bill to conference. I caution, however, that we have allocated the entire amount of the subcommittee's allocation. Any amendment that provides additional

funds will have to be fully offset, and I think I can speak for Senator DORGAN in saying we will take a dim view of amendments that propose to use across-the-board reductions or unspecified administrative savings as offsets.

I ask the support of this Senate for this bill. I would hope we can have this bill done by tomorrow, and move on and get this bill into conference. I urge my colleagues to support it.

If I can get the attention of my good friend from North Dakota, I look forward to working with him on this issue and I appreciate his good help and his input on this bill.

I yield the floor to my good friend from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, first let me thank Senator BURNS. Senator BURNS is the chairman of this appropriations subcommittee. I have been very pleased to work with him. I think his leadership and his work on this subcommittee is exemplary.

This is my first year on this subcommittee. I moved to this position from another subcommittee and so it is the first year I have had the opportunity to work with Senator BURNS, but we have had an excellent working relationship.

This is a very large appropriations subcommittee bill, and I shall not repeat that which Senator BURNS has already described in any great detail, but I do want to make some points. I will go through a couple of the items.

Senator BURNS mentioned this bill deals with the BLM, Bureau of Land Management, and the funding for their programs, U.S. Fish and Wildlife, the National Park Service, and a number of smaller agencies as well. There is the Office of Surface Mining, Minerals Management Service, the U.S. Geological Survey, the Bureau of Indian Affairs—I am going to speak a little bit about that in a couple of minutes—and then the larger departmental offices down at the Interior Department that includes the Forest Service, which is a very large agency, the Department of Energy—a portion of the Department of Energy funding is in this—the Indian Health Service, Smithsonian, National Gallery of Art, Kennedy Center, National Endowment for the Humanities, National Endowment for the Arts, and more.

As you can see, these are very important public functions for which we provide funding. I think we have done as good a job as is possible to do, given the restraint on financing many of these functions. I think Senator BURNS would probably agree there are a number of issues that are presented in this appropriations bill for which we would like to provide additional funding but could not. But that is the process these days, trying to find ways to stretch limited resources over unlimited wants that are expressed to the committee.

Let me mention a couple of issues specifically. First of all, payment in lieu of taxes. My colleague, Senator BURNS, mentioned that. For those who do not understand this issue, it is called P-I-L-T. Payment in lieu of taxes is a payment the Federal Government makes on land it owns that otherwise would have borne a property tax but, because it is in Federal hands, does not pay a property tax. So payment in lieu of taxes is the payment the Federal Government makes to these counties that makes up what they should have collected in property taxes had that land been in private hands.

As you know, in most cases property around this country has to bear a responsibility to help raise the funds for our school systems. Yet if you have a substantial amount of Federal land, it doesn't pay property taxes and therefore you don't have the revenue coming off that land to support the school system and other governmental functions. That is what the payment in lieu of taxes is about.

I am pleased Senator BURNS and I were able to increase that amount this year. It is very important. The administration had suggested that it be decreased a bit. We have actually appropriated, in this bill, $30 million above that which the administration requested. I think that is something important to highlight.

I want to spend a couple of minutes talking about Indian issues because, while that is not the largest part of this bill, it is a very important set of issues. I want to talk a bit about it and then I want to talk about grazing permits and a couple of other smaller items.

Let me talk about the Indian issues for a very specific reason. We have trust responsibility in this Government for Indian education, among other things. That trust responsibility is not something we have been able to shed. That is a responsibility we have. It is a responsibility we must meet. I believe we have, on Indian reservations in this country, bona fide crises in health care, education, and housing. This bill deals with two of those—education and health care.

Let me talk about how it deals with education first of all. The administration request on Indian education suggested that we zero out funding for the United Tribes Technical College in North Dakota and also the Crown Point Technical College in New Mexico. Both of them are vocational/technical schools that are wonderful opportunities for Indian men and women, children, to learn and to get a college education. I am pleased that Senator BURNS and I were able to restore funding to both of those important institutions.

In addition to that, we are restoring some funding that is much needed for the 28 tribally controlled community colleges in our country. These are tribal colleges that have been remarkably successful. Once again, there was a requested cut. We are actually increasing funding over last year. Senator BURNS and I have talked about trying to do more. We hope to be able to do that as we work through this process on the floor of the Senate.

I thought it would be useful, instead of speaking in the abstract, to read a letter from someone because I have visited many tribal colleges. I said there is a bona fide crisis in education, health care, and housing on our reservations. If one doesn't believe that, I encourage you to visit and then ask yourself whether that is what we want to confine Indian children to, or the adults who live on those reservations, with respect to access to health care, access to good education, and more.

Let me read a letter from a woman who wrote to me some while ago describing the value of tribal colleges in her life. I think it is an instructive letter. As I said, I have visited many tribal colleges and this letter says it very well. She says:

> I grew up poor and considered backward by non-Indians. My home was a two-room log house in a place called the ''bush'' on North Dakota's Turtle Mountain Indian Reservation. I stuttered. I was painfully shy. My clothes were hand-me-downs. I was like thousands of other Indian kids growing up on reservations across America.
>
> When I went to elementary school I felt so alone and different. I couldn't speak up for myself. My teachers had no appreciation for Indian culture. I'll never forget that it was the lighter-skinned children who were treated better. They were usually from families that were better off than mine. My teachers called me savage. Even as a young child I wondered . . . What does it take to be noticed and looked upon the way these other children are?
>
> By the time I reached 7th grade I realized that if my life was going to change for the better, I was going to have to do it. Nobody else could do it for me. That's when the dream began. I thought of ways to change things for the better—not only for myself but for my people. I dreamed of growing up to be a teacher in a school where every child was treated as sacred and viewed positively, even if they were poor and dirty. I didn't want any child to be made to feel like I did. But I didn't know how hard it would be to reach the realization of my dream. I almost didn't make it.
>
> By the time I was 17 I had dropped out of school, moved to California, and had a child. I thought my life was over. But when I moved back to the reservation I made a discovery that literally put my life back together. My sisters were attending Turtle Mountain College, which had just been started on my reservation. I thought that was something I could do, too, so I enrolled. In those days, we didn't even have a campus. There was no building. Some classes met at a local alcohol rehabilitation center in an old hospital building that had been condemned. But to me, It didn't matter. I was just amazed I could go to college. It was life-changing.
>
> My college friends and professors were like family. For the fist time in my life I learned about the language, history and culture of my people in a formal education setting. I felt honor and pride begin to well up inside me. This was so unlike my prior school experience where I was told my language and culture were shameful and that Indians weren't equal to others. Attending a tribal college caused me to reach into my inner self to become what I was meant to be—to fight for

my rights and not remain a victim of circumstance or of anybody. In fact, I loved college so much that I couldn't stop! I had a dream to fulfill . . . or perhaps some would call it an obsession. This pushed me on to complete my studies at Turtle Mountain College and to ultimately earn a Doctorate in Education Administration from the University of North Dakota.

I've worked in education ever since, from Head Start teacher's aide to college professor. Now I'm realizing my dream of helping Indian children succeed. I am the Office of Indian Education Programs' superintendent working with nine schools, three reservations, and I oversee two educational contracts with two tribal colleges. My life would not have turned out this way were it not for the tribal college on my reservation.

My situation is not unique and others feel this way as well. Since 1974, when Turtle Mountain College was chartered by the Turtle Mountain tribe, around 300 students have gone on to earn higher degrees. We now have educators, attorneys, doctors and others who have returned to the reservation. They—I should say, we—are giving back to the community. Instead of asking people to have pity on us because of what happened in our past, we are taking our future into our own hands. Instead of looking for someone else to solve our problems, we are doing it.

There's only one thing tribal colleges need. With more funding, the colleges can do ever more than they've already achieved. We will take people off the welfare rolls and end the economic depression on reservations. Tribal colleges have already been successful with much less than any other institutions of higher education have received. That is why I hope you will continue to support the American Indian College Fund.

I'm an old timer. The College Fund didn't exist when I was a student. I remember seeing ads for the United Negro College Fund and wishing that such a fund existed for Indian people. We now have our own Fund that is spreading the message about tribal colleges and providing scholarships. I'm so pleased. I believe the Creator meant for this to be. But so much more must be done. There still isn't enough scholarship money available to carry students full time. That is my new dream . . . to see the day when Indian students can receive four-year scholarships so they don't have to go through the extremely difficult struggle many now experience to get their education.

I hope you'll keep giving, keep supporting the College Fund, so that some day this dream becomes reality. I know it can happen because if my dream for my future came true, anything is possible. Thank you.

Let me describe to you the signature. The signature is: ''Loretta De Long, Ed.D.''

This is a woman from North Dakota who has done wonderful things in the field of education. She describes the circumstance that allowed her to get this education, the presence of a tribal college that gave her hope and opportunity. We need to fund them and we are not funding them adequately. The per-pupil burden that exists on tribal colleges and the reimbursement we provide to meet that burden is not equal at all to that which we do for public community colleges. In fact, it is somewhere very close to half. I have the numbers here. The support per student for public community colleges is $8,900 and the public support for tribal colleges is just under $4,000.

One final point. I know this is not a major part of this bill, but I have spent a lot of time working on tribal college issues. I just want to tell you one other story about going to a tribal college graduation. When I spoke at the graduation, I asked who was the oldest graduate. And they said: That's her over there. And I went over to say hello.

This was a woman who was in her early forties. Here is her story.

I asked her: ''What is your story? '' She was a janitor. She was cleaning the hallways and the toilets of the community college. She had four children, her husband had left her, and she was working at low wages cleaning the hallways and the bathrooms of the community college. She thought to herself: I would like to be a graduate of this college. Somehow, by the grace of God, through Pell grants, or through all of the support we offer to give people opportunity, the day I was there this woman was not cleaning the hallways or cleaning the bathrooms of this college, she was graduating, wearing a cap and gown, and wearing a smile—something no one will ever take from her because she did it herself with the help of what we put together to provide opportunity to people.

But, once again, it enriches people's lives. Education is the way up the steps, up out of poverty.

I spoke about tribal colleges just because I care a lot about them. These in many instances are places in our country that look like Third World parts of the globe. Yet they exist in this country with people terribly disadvantaged. It is the route of progress. Education provides the opportunity for these people who want opportunity, those who live on Indian reservations. This woman is an example of that, and there are so many others. I have a whole list of them here which I could talk about today.

My hope is that in the time we are on the floor of the Senate, Senator BURNS and I can continue to work on this issue, and we intend to do that.

I will speak just for a moment about Indian health care. The fact is, if you visit Indian reservations and take a look at the amount of money spent on Indian health care, you will decide that there is something fundamentally wrong. This is about young children and others who do not have adequate health care. Go and find a reservation with 5,000 people living on it with one dentist working out of a trailer house and ask yourself: What kind of care for those people exists with respect to dentistry? Go to a reservation, for example, and take a look at the funding through the Indian Health Service and through the BIA, especially with respect to protecting Indian children against sexual abuse.

I had a hearing on that in Bismarck, ND. A woman came to the hearing to testify. On this Indian reservation, she was in charge of the social services and trying to protect these children. She said to me: I have a stack of files on my floor a foot and a half high. These are files of allegations of child sexual abuse and abuse of children. They have not even been investigated. Why? Because there is no money to investigate them. She said: Even when I just have to find a way for somebody to come and take a child to the biggest town 10 miles away, to the hospital off the reservation, I have to beg to try to borrow a car, to put a young kid in a car to take them to the hospital or the clinic.

At that point, she broke down and began weeping, at a public hearing. She just couldn't continue. She said it is just too sad. The fact is we are not doing what we should do to protect these children.

I have this story about some years ago learning of a young lady named Tamera Damirez. She was a 3-year-old. She was on an Indian reservation. She was a child from a very difficult set of circumstances. She was put into foster care by a woman who was handling 150 cases. You get a social worker handling 150 cases, and do you think that social worker is going to inspect the home where she assigns that child to foster care? She didn't. This young girl was sent to foster care at age 3. There was a drunken party at that foster care residence. Her nose was broken, her arm was broken, her hair was pulled out by the roots—at age 3. Why? Because there was not enough money to fund enough social workers to inspect the house where you were going to send a 3-year-old child.

I fixed that problem. There is more money there now. There are more social workers there. They are inspecting where they are sending children. But this should not happen, and it is happening today across this country because we are not adequately funding Indian education and Indian health care by the Bureau of Indian Affairs.

Part of it is the bureaucracy of BIA, I might also say. I don't want to suggest that the BIA is an agency that functions very well in many circumstances. I have a lot of grievances with the BIA as well.

My point is that we have spent a lot of money on a lot of aspects of this Government. None is quite so important to me as protecting children. I visit places in this country where I just shake my head and wonder why it is that these children are not a priority for this country. This bill is one bill where we have a responsibility to do more, and we need to keep working and fighting and funding ways to do more.

Let me mention just a couple of other items as we proceed.

Before I finish that piece of my discussion, I know I am taking one piece out of this large bill and talking about it some. It is because I feel so strongly about it. I know my colleague, Senator BURNS, does as well. The dilemma and the disappointment is that we have limited amounts of money. We need more. We need more to address these issues with children, particularly on reservations, and address the issues of education and health care.

Let me talk just for a moment about an issue in the Forest Service dealing with grazing permits for ranchers. We have a requirement as a result of a previous Federal law that says those who graze on public lands and have grazing permits with which to graze cattle on public lands, in order to get a renewal of the grazing permit when the permit reaches its end, have to have a NEPA—the National Environmental Policy Act—evaluation of that permit.

It was easy enough, I suppose, for the previous administration and the previous Congress to say this should be done. But it has proven much more difficult for it to be done.

The Forest Service has done precious little in moving forward on the NEPA evaluations of the grazing permits. Ranchers out there who are trying to make a living grazing cattle on public lands don't have the foggiest idea of whether at the end of this year they will get an extension of their existing grazing permit because the NEPA evaluation has not been done. That is not their fault. That is the Forest Service's fault. The Congress hasn't funded it. The Forest Service hasn't done it. As a result, the rancher is wondering whether they will get an extension of their permit.

In recent years, we have extended it a year. This bill extends it a year. But at end of each year we are in the same situation.

I believe we ought to do a couple of things: No. 1, we ought to say to the Forest Service: Do this. No. 2, we ought to fund it to get them to do it, and we ought to stop holding ranchers hostage on the completion of these duties.

Until we decide to do that, it isn't going to be done this year because adequate funding does not exist to do what the law would require with respect to NEPA evaluations on grazing permits. I think we ought to do more than extensions of 1 year. We don't know exactly what it should be. We ought to be talking about that during the discussion of this bill.

Frankly, we should not say to those ranch families out there who have cattle grazing on public lands: By the way, at end of each year you are going to be threatened with the loss of the permit. The law says the NEPA evaluation must be done, but we know it is not being done.

Let us decide either it gets done and provide the resources to do that or at least have reasonable extensions so ranchers aren't held hostage at the end of each year by actions of an appropriations committee each year. Let us find a way to do that if we can. I hope we can talk about that as we move along.

I will mention one other concern. I have not talked to my colleague from Montana about this. He talked about the We The People Project. I am a strong supporter of the National Endowment for the Humanities and the National Endowment for the Arts. I think both enrich our country. Both are programs that are excellent. Visit Europe and see what remains from the 15th century. It is not some fossilized, arthritic, calcified human being. It is their art. It is this wonderful art that enriches Europe and tells us something about the 12th century and the 15th century. So, too, are the arts important to our culture. I think these are very important—arts and humanities.

But I must say that doing a new start of We The People—no one, in my judgment, would say that We The People—whatever that acronym attaches to; in this case, it attaches to the study of history—no one would say that is unimportant. It is very important. But we have added money previously to the Department of Education for this. To the extent we are going to do something new, I really would prefer that it be in the Department of Education, or some other device, rather than starting a new program in the National Endowment for the Humanities.

I think history is critically important. The issue of how we are going to enhance the learning and the teaching of history is really a function of doing so in the classroom.

I will not object to it being here this year, but the problem with all these things, once they stick, it is kind of like Velcro. It gets stuck in here and next year it will be here and it becomes a permanent program. I think this program belongs somewhere in an education piece of legislation. I understand $100 million was added in an amendment by Senator BYRD for that purpose and I prefer we do that.

Those who are pushing for the enrichment of the education of history in our school system, absolutely, I fully support it. We have spent a lot of time talking about the maths and sciences, which I think is important. It is very appropriate to say we want kids coming out of our schools to have a great sense of the history of this wonderful country of ours. But I don't believe the place to do that in terms of nurturing that is in the National Endowment for the Humanities. I believe, as Senator BYRD has appropriately pushed, the right place to do it is over in the education legislation. I know we have colleagues who feel very strongly about that. I hope they can perhaps work with Senator BYRD and with us so next year we do not have to have this as another continuing and building program in the National Endowment for Humanities.

Having said that, I know there are some who think, boy, this is a terrific expansion of National Endowment for the Humanities. I am someone who supports the National Endowment for the Humanities. I think it is important. But I also believe this particular piece that is now added to it is more appropriate with the Department of Education, if we are going to do this, and I believe we should do this initiative to enhance and stimulate the education of the history of this wonderful country in our school system.

I yield the floor.

Mr. BURNS. Mr. President, our staff and the staff of Senator ALEXANDER and the Department of Education and the administration did get together. They are moving to an agreement. I agree maybe the Department of Education is where it should be and those funds be allocated to be used there.

But what the Senator from Tennessee was trying to do was highlight something of national interest that is happening in North Dakota and Montana now. As I said, the Dakota territory and Montana was the heart and soul of the book that was written, ''Undaunted Courage.'' Now that we are approaching the 200th anniversary of the Louisiana Purchase and the trek of Lewis and Clark, there is a lot of interest in our part of the country. What was started in the humanities, the interest of Lewis and Clark, the interest of the Louisiana Purchase and the impact it had on this country, has been very positive for all of us out there and all of America.

Some of the original 13 States got the idea that maybe this country is big enough right where it is. If you read another book, ''A Wilderness So Immense,'' you get an idea—this was before our Constitution was ratified—some of the events that went on in the history of the Louisiana Purchase. It is very interesting.

That is why we are very supportive of history initiatives. We have young people coming out of our schools who do not have a sense of history. They do not know who they are, why they are, or how they got here. This initiative is very important.

In regard to the Forest Service permit, it is fire suppression money that was taken from the accounts that would enable them to issue the permits and to complete the NEPA studies. We have to understand that and how important these funds are to be replaced in the accounts of the BLM and the Forest Service so this work can be completed. The Senator from North Dakota is exactly right. These do not have to be done on a yearly basis. There should be a longer term with monitoring. I like the 10-year lease. That is the way it used to be. We find now everywhere we had grazing we did not have fires, which is something we should take a look at as far as fire prevention and fire suppression and the use of the land.

The other day, I will even tell my good friend from North Dakota, I saw a truckload of sheep being unloaded in Missoula County, Montana. They were paying the sheep man to run his sheep on public lands for weed control, spotted nap weed, and of course earlier in the spring, we had the spurge problem. But I thought, what a novel idea. I wished I had thought of it.

We will let that program go to the benefit of the land and also to the people who graze the land and make their living and are in the business of feeding and clothing.

Those are the challenges we have ahead of us. This bill impacts a lot.

I have a few clarifications of items in the committee report that I would like to have printed in the RECORD.

I ask unanimous consent those corrections be printed in the RECORD.

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

CLARIFICATIONS OF COMMITTEE REPORT

On page 28 of the Committee report, the table includes $3 million for ''Independence Square site rehabilitation''. The $1.25 million provided in addition to the budget request is for landscaping improvements to Independence Mall.

On page 40 of the Committee report under ''Other Recurring Programs'', the reference to the ''Dry Prairie Rural Water System'' should have been to the ''Assiniboine and Sioux Rural Water System.''

On page 52 of the Committee report, the amount provided for Forest Health Management is $82,073,000, as displayed in the table on that page.

Mr. BURNS. I remind Senators to get their amendments down here. We want to complete this bill by noon tomorrow so we can watch the rain. Those folks are worried about forest fires. I don't think anyone on the East Coast has to worry about that.

Mr. DORGAN. I am tempted to talk about the intelligence of sheep and enjoying munching on leafy spurge, but I will not do that.

My colleague describes the real serious problem with spurge and nap. We have known in North Dakota when you put sheep on the land, baby spurge and leafy spurge is gone and the sheep seem happy.

Having said that, I go back to make a point on this issue of, we, the people. We have Lewis and Clark money to celebrate the bicentennial in a number of different places in legislation in several different appropriations bills. It was a wonderful expedition, perhaps the greatest expedition certainly in the history of this country, perhaps ever. The greater the education and the bigger the celebration of that, the better for our country and the better for our children to understand the richness of that history, as well.

My only point is, as we think through this in the longer term, this money is in the bill and I would like to see if we can find a way with the administration to put it where I think it really belongs, and that is education.

The other point I would make in terms of priorities, if we have $15, $20, $25 million here and there, we have urgent priorities, especially dealing with Indian health, that we need to find some additional resources for.

I did not mention in my opening statement something my colleague from Montana mentioned, and that is the forest fire issue. Fire suppression money has been borrowed from every account. It is the wrong way to do business. What we should do—and we talked about this in the spring when we received the budget request; we traditionally get a budget request that does not ask for the money that all of us know will be necessary and then when the need comes for fire suppression money, they take it from virtually every corner and come back with a request for emergency funding.

We ought to understand that forest fires are events that cause a lot of television cameras to record them, and cause a lot of angst for people who are in the way, but they happen every year. This isn't like some big typhoon some place that happens every 10 or 15 years. We know we are going to have forest fires every year. We know about what it is going to cost us if we have a moderate season of forest fires, or more forest fires than a moderate season, and we just as well ought to begin to plan for it. Both the administration and the Congress should; frankly, neither have.

I fully support the comments made by my colleague from Montana. We need to find a way to come at this up front, in the spring of the year each year, to put in sufficient money. In some cases, it may not be enough, if we have an extraordinary season of massive forest fires, but in most cases we could put money in to cover the kind of year that we would have in most situations in this country. So I hope we can do that.

Let me also say, we have some folks on this side of the aisle who will have amendments. As my colleague has indicated, I would prefer if they would just bring them over and offer them. And let's deal with them quickly. We do have a little rain coming to the east coast. It would be nice to be able to finish this bill. The bill is going to be open for amendment, and I would ask colleagues to come over and work with us, offer the amendments, and let's work through them today.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BURNS. Mr. President, I ask unanimous consent that amendment No. 1724, the pending substitute amendment, be agreed to and considered original text for the purpose of further amendment, provided that no points of order be waived by virtue of this agreement.

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

The amendment (No. 1724) was agreed to.

Mr. BURNS. Mr. President, I again say to my colleagues, we are going to try to finish this bill before this storm hits tonight. We are working now on a managers' package of known amendments, and if there are some unknown amendments, I suggest Senators come to the floor, submit their amendments, and let us deal with them. If not, we are going to move right along in completing this legislation.

We understand the House is not going to be in tomorrow. So we do not want to be caught in that pickle. We want to complete action on this appropriations bill if we possibly can. I suggest my colleagues bring their amendments to the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. BURNS. Mr. President, I ask unanimous consent we now go into a period of morning business with Senators being allowed to speak for 5 minutes therein until the hour of 2 p.m. this afternoon, at which we will return to the business of Interior appropriations.

Mr. DODD. Reserving the right to object.

The PRESIDING OFFICER. The unanimous consent request is for a period of morning business so Members can speak for up to 5 minutes on a topic of their choosing.

Without objection, it is so ordered.

The Senator from Connecticut.

IRAQ

Mr. DODD. Mr. President, I would like to share with my colleagues a few thoughts on the subject of Iraq, if I may. I begin by thanking the President for speaking to the Nation on September 7. President Bush, my colleagues will recall, addressed the American people about the subject of Iraq. He happens to be one of the very few members of his own administration to begin to tell the American people the facts of life about our involvement in Iraq: That it is going to be very difficult for our troops and civilian personnel to be successful in standing up a democratic government out of the ashes of a crushed and totally discredited dictatorship, and it is going to be very expensive as well, the President pointed out—very expensive. In the President's own words, this undertaking is going to be ''difficult and costly.''

President Bush also explained in simple terms U.S. policy objectives. He said in that speech that our objectives are to destroy terrorists, enlist the support of other nations for a free Iraq, and help Iraqis assume responsibility.

He was far less clear on how he intends to achieve those objectives or to mitigate the cost to the American public—the cost in dollar terms and also in terms of human lives.

Our military has, I think all of us would agree, done an exemplary job in

winning the military conflict in Iraq. All of us extend our highest commendations to the men and women in uniform for the job they have achieved. But they also need help winning the peace, and I think all of us understand that as well.

Our forces are stretched thin. Our troops are very tired. There are questions as to whether they have been adequately equipped for the circumstances that they now confront. I believe they are involved in a guerrilla war. There is no other way to describe it. Their lives, as we all know, painfully, are in great danger from hostile irregular forces, if you want to call them that, and from a very hostile environment growing worse every day by growing civil dissent in the country.

Tragically, more than 280 American soldiers have now died in Iraq, and more than 1,200 are wounded; 159 of those deaths have occurred since the President declared the end of major military action on May 1 of this year. Every single day since then almost 10 Americans have been officially declared wounded in action.

Our troops are not the only ones at risk. Hanging in limbo is, of course, the future of the Iraqi people. Millions of innocent civilians suffered for decades under the brutal rule of Saddam Hussein. When our forces entered Iraq, we took on the mission of providing peace and security for all Iraqis. But during the past several weeks we have witnessed a surge of attacks with many Iraqis themselves victims, subject to the attacks of these hostile forces within Iraq.

Car bombings have claimed the lives of more than 120 people over the last number of weeks. The U.N.'s Iraqi headquarters were bombed and their top envoy, Sergio Vieira de Mello, was killed, as we all know. An attack at the mosque at Najaf killed more than 80 people, including a prominent moderate Shiite leader. Only a week ago, a track bomb killed an Iraqi police officer and wounded 27 others, including Baghdad's chief of police. On Monday, the chief of police of another community was gunned down in his automobile.

This goes on every single day. What does the situation tell us? I believe it tells us that the Iraqi people are far from secure. If they are not secure, it is a safe bet our forces will continue to remain in danger and our own security and the security we are trying to achieve as a result of a rise in terrorism is also at risk.

I listened last week as well to Vice President CHENEY and Secretary Rumsfeld, our Secretary of Defense, go over the old ground of defending the administration's justification for going to war in Iraq. And with all due respect to Secretary Powell, I do not believe his most recent remarks to the effect that the use of chemical weapons by Saddam Hussein in 1988 explains why this administration decided in the year 2003, some 15 years later, that Saddam Hussein had to go. Frankly, I believe the administration should spend far less time trying to justify past decisions or explain away errors of judgment and far more time should be spent figuring out what to do next about this difficult and costly challenge our troops are facing every day, day in and day out, in Iraq.

I hope the recent rhetoric is simply a diversion, because the administration doesn't have a plan, in my view, for restoring security—a comprehensive strategic plan for the eventual drawdown of U.S. forces, a comprehensive strategic plan for turning political control of the country of Iraq over to the Iraqi people where it belongs. We need a strong strategic plan, a concrete plan and a timetable for these events. We need a comprehensive strategic plan and timetable for establishment of an Iraqi government and for the preparation of a constitution for the holding of free elections. We need to stick to that plan so the Iraqi people can have a sense of confidence that the end goal remains an independent Iraq governed by Iraqis.

The Congress of the United States, of course, supported President Bush last year when he sought authority to use all necessary means to secure Iraq's compliance with United Nations resolutions. I was one who voted for Senate Resolution 1441 which empowered the President to forcibly remove Saddam Hussein from power. And I would do so again, because I believe Saddam Hussein posed a threat to our security and to the security of our allies in the region.

At the time I voted for that resolution, I expressed concern that the administration may not have adequately prepared for winning the peace once military options had deposed Saddam Hussein. I think the concern I expressed, as well as many others, clearly has been well placed. The time has come for our President and his top advisors to listen to the Congress and, more importantly, to the American people, when we say our current policy is off course. If they don't heed the concerns being expressed by Democrats and Republicans in both this body and in the other, then they risk an even more costly and far more difficult engagement in Iraq, and they risk the administration losing the support of the American people for this policy which is absolutely critical for the long-term success.

The $87 billion emergency appropriations request the President will soon transmit to the Congress of the United States presents a very important opportunity for us to consider a mid-course correction on our Iraqi policy. It will require all of us in this Chamber and the administration and others to work very hard to effectuate that kind of change.

I will say here and now I am prepared to support all of the funds the President has requested to equip and protect our military troops in Iraq and Afghanistan. So long as they are in harm's way, they need whatever military commanders deem necessary to get the job done as safely as possible. The resources ought not be the subject of our corrections.

However, I do not believe we can or should continue to give the administration a blank check with respect to the reconstruction money. This is a ripe opportunity now for us to work together in common purpose and common cause to offer some new ideas and new direction to get this policy on track. We simply cannot afford to continue the road we are following. Even before the administration's supplemental request, the Congressional Budget Office calculated the annual budget deficit would reach some $480 billion—the largest in our history. Over the past 3 years, 3.2 million Americans have lost their jobs—44,000 alone in the month of July.

I don't need to remind my colleagues of these statistics. They know them in their own States. We are facing a tremendous problem in our own country. Layoffs are continuing as Americans lose their jobs. And they are losing something equally important—the ability to provide for their families. Neither are the schools receiving the funds necessary to ensure our children receive the education they deserve. Many are cutting back on the school week and on critical services and programs.

Thus far, U.S. funds have been expended to open and equip Iraq's 12,000 primary and secondary schools, to return 240,000 telecommunications lines to operation, and to begin the process of vetting and training some 30,000 Iraqi police officers. The job is far from done. Baghdad's International Airport remains closed to commercial traffic. Many key bridges and roads are in desperate need of major repairs. That nation's rail system will need significant capital infusions to make it operational again.

The American people, in my view, are facing their own difficulties here at home, and those kind of pressures in the absence of a clear policy are going to create the kind of pressure-cooker environment which will place the policy in Iraq in jeopardy, our soldiers' lives in jeopardy, and the Iraqi people's security in jeopardy. The great effort that was undertaken to change a brutal dictatorship and bring peace and democracy to those people is clearly in further jeopardy. In the midst of all of this, we need to come together and change the course of directions.

I remember the administration's mantra some months ago that ''Iraq is a rich country'' and its oil revenues would be available to rebuild Iraq's infrastructure. Just weeks ago, Ambassador Bremer amended that statement to say that ''tens of billions of dollars'' in additional financial assistance will be needed to accomplish that task.

It now appears that oil revenues once thought to be more than sufficient or

of sufficient magnitude that they could finance the rebuilding of the country of Iraq are now expected to barely cover the operating costs of Iraq's government ministries and the expenses of the Interim Council.

What more evidence do any of us need to be convinced that the time has come for other governments to be welcomed as participants in rebuilding Iraq and to reach out and to ask them to join in that effort?

I strongly believe it is time for the Congress to weigh in and to require the administration to address two basic questions: How do administration officials plan to minimize American death and casualties? How do they intend to minimize the expenditures of American tax dollars that will have to be diverted to this cause at the expense of other critically important programs in our own Nation, such as to assist first responders in keeping us secure at home, programs to provide for prescription drugs for our seniors, and programs to improve our schools so no child is truly left behind?

If history is any guide, the only way the administration will feel compelled to come up with answers is if we in the Congress—the coequal legislative branch of Government—place some conditions on the $20 billion in reconstruction moneys.

To me it seems pretty straightforward what needs to be done to lower the risks and costs of current participation in Iraq. It is called the United Nations. It is called the international community. We need to invite them to be a part of this effort. That is why I believe the Congress should link the provision of reconstruction moneys to the passage of a United Nations resolution that places responsibility for rebuilding Iraq where it belongs—on us and the international community as a whole. To get such a resolution, obviously the administration must approach other member states with a credible proposal, one that gives the United Nations some measure of authority over the civilian administration of the country while also charging it with mobilizing more resources from member states. Clearly, the United States should retain command of any ongoing military operations in Iraq. But on political, economic, and civic reconstruction, we better involve other nations fairly quickly. We cannot do this alone. The American people will not support this over the long term. If we don't invite them to participate and to help us, we are going to find it very difficult with each passing day to find anyone who will join us in this effort.

I don't understand the reluctance on the part of the administration to turn over the civilian administration of the country to an international body. There is certainly ample precedent for doing so. Not only would it lower the profile of our presence in that country, but it would also likely unleash additional resources and cooperation both regionally and internationally, bring Iraq around to the kind of nation we would like to see, and truly deal with the problems of terrorism globally.

The Congress has to do it unless the administration decides on its own to change course. If we don't speak up in these coming days, if we just provide a blank check and a vote for $87 billion with nothing further to be said, we will not have anyone to blame but ourselves in the coming days if this present policy continues to collapse. And I believe it will.

It is time for us to stop sitting on the sidelines. Under the able leadership of Senator LUGAR, the Foreign Relations Committee has been carrying out careful oversight in Iraq. The Foreign Relations Committee now has the responsibility to develop some legislative proposals—perhaps along the lines I have outlined for people to bring to the table—in order to influence the contents of the legislative package we will be asked to vote on in the coming days. I look forward to working with my colleagues—Democrats and Republicans—because I know very deeply the concerns I am expressing publicly are shared by many in this Chamber regardless of party, regardless of ideology, and regardless of which States we represent.

There is a growing concern that we have this wrong and that we have to get it right soon. Here is an opportunity that may not come again to us for many months to try to set this on a different course.

We are at a very special and historic moment. We cannot and must not sit idly by when we know multilateralizing the reconstruction and democratization of Iraq is the right thing to do. It is the right thing for Iraq. It is the right thing for the United States of America. But it is time we in the legislative branch, the coequal branch, step up and act in the interests of our people and other like-minded people around the globe.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

DETROIT SHOCK WIN WOMEN'S NATIONAL BASKETBALL ASSOCIATION CHAMPIONSHIP

Mr. LEVIN. Mr. President, last night the Detroit Shock won the Women's National Basketball Association Championship, defeating the two-time defending champion Los Angeles Sparks 83–78. This tremendous accomplishment is all the more special because the Shock rose from the worst record in the league last year to champions this year.

Over the course of this year's season, the Shock won a league-best 25 games, a year after losing a league-worst 23 games. The Shock's victory is also the first time in the WNBA's 7-year history that neither Houston nor Los Angeles won the championship.

The enthusiasm and support for the Shock by the people of Detroit and Michigan was clearly demonstrated by the fact that last night's game was attended by a WNBA record crowd of over 22,000 people.

The Shock completed their incredible run from last to first with the leadership of Coach Bill Laimbeer, finals Most Valuable Player Ruth Riley's career-high 27-point performance, as well as the strong play of Swin Cash, who finished with 13 points, 12 rebounds, and 9 assists. These performances were supported by Deanna Nolan's 17 points, and Rookie of the Year Cheryl Ford's 10 points and 11 rebounds.

It was a tremendously exciting game throughout. The Los Angeles Sparks erased a 14-point deficit in the first half, and an 11-point deficit in the second half, and even had a 3-point lead with less than 4 minutes to go. But with less than a minute left, Deanna Nolan, from Flint, MI, secured the Shock's lead when she hit a 3-point shot to give them a 75–73 lead. Then Cheryl Ford hit 2 free throws, and it was a 4-point game with 43 seconds remaining. In the end, the Shock were victorious in what was the highest-scoring WNBA finals game in history.

The 2003 WNBA champion Detroit Shock will celebrate its first-ever WNBA championship with fans tonight at The Palace of Auburn Hills. This is Detroit's first professional basketball championship since our Pistons won back-to-back championships in 1988 and 1989. Shock Head Coach Bill Laimbeer was actually cocaptain of those Pistons teams, and in 1988 it was the Los Angeles Lakers—the Los Angeles Sparks' NBA counterparts—that Detroit defeated to win the championship.

I know our colleagues will join me and Senator STABENOW in congratulating the Detroit Shock on their championship and looking forward to their drive to repeat next year.

Mr. President, it is also my fervent hope that the Shock's worst-to-first season will be an inspiration to the Detroit Tigers next year.

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

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

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

Mr. REID. Will the Senator withhold for just a brief minute?

Mr. DURBIN. Mr. President, I withdraw my request.

The PRESIDING OFFICER. The Senator from Pennsylvania.

UNANIMOUS CONSENT AGREEMENT—HOUSE MESSAGE TO ACCOMPANY S. 3 AND EXECUTIVE CALENDAR

Mr. SANTORUM. Mr. President, I ask unanimous consent that at 1:40 the Senate resume consideration of the House message to accompany S. 3, the partial-birth abortion ban bill; provided further that time on the motion to disagree be limited to 1 hour equally divided in the usual form; further, that following the use or yielding back of the time the Senate proceed to a vote on the motion with all other provisions of the agreement remaining in effect.

I further ask unanimous consent that following the vote, the Senate immediately proceed to executive session to consecutive votes on the following nominations on today's Executive Calendar: Calendar Nos. 352, 347, 348, 350, and 351.

Further, I ask unanimous consent that there be 2 minutes equally divided between the two leaders or their respective designees prior to each vote; further, that following the votes the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Is there objection?

The Senator from Nevada.

Mr. REID. Mr. President, the 30 minutes will begin on our side in 10 minutes. I want to make sure the RECORD reflects that Senator BOXER will control that time. There are a number of Senators who wish to speak at that time. But I ask if my friend, the Senator from Pennsylvania, would allow her, Senator BOXER, to have the last 10 minutes to close debate on this matter?

Mr. SANTORUM. Sure.

The PRESIDING OFFICER. Is there objection to the Senator's request? Without objection, it is so ordered.

Mr. REID. Mr. President, I would also say the Senator from Illinois who was here was going to speak for up to 8 minutes. Prior to this beginning, I wonder if he still wishes to speak, the Senator from Illinois?

I ask unanimous consent that the Senator from Illinois be recognized until 1:40, when the debate on partial-birth abortion is finalized.

The PRESIDING OFFICER. Is there objection? The Senator from Illinois.

HEALTH INSURANCE

Mr. DURBIN. Mr. President, I will be very brief, but I wanted to make a point on the RECORD relative to some messages and information I received from my State which I would like to share with my colleagues.

During the month of August, I went back across the State of Illinois and visited with a lot of people, including chambers of commerce, labor unions, families, and community leaders. I would say for the third or fourth consecutive year, the report I received from businesses in particular in my State was identical. When I asked them what their major concern was, time and again they came back and said the same thing. It is the No. 1 concern of businesses across America when it comes to the cost of doing business and competitiveness. It is the No. 1 concern of labor unions across America when it comes to fair compensation for their employees. It is the No. 1 concern of more and more families across the United States as they realize how vulnerable they are.

What is that concern? The cost of health insurance. Time and time again that issue resurfaces. I have to tell my constituents in Illinois, my friends in business and labor, that I understand what they are saying. But this is an issue which has gone unaddressed in Washington in the time I have been here, for the last 7 years, in the Senate. It is as if the people in the Senate, the men and women like myself who are talking back home, are not listening or at least they are not coming back here and saying: What can we do about this?

There are some who have an automatic reaction and say: Don't jump in with a Government solution. The market will solve this problem.

I would say to them that the market is addressing this problem. The market of health insurance in America is reducing coverage, reducing their exposure to risk, and raising costs to increase their profitability.

What I am about to say is not just anecdotal evidence of a trip around Illinois this year or for the last 4 years, but it is the same thing we found when the Kaiser Family Foundation released their annual report on health insurance across America, and I commend it to those following this debate: KFF.ORG, KFF.ORG. Go to that Web site and you will find this report on the cost of health insurance.

According to this report, monthly premiums for employer-sponsored health insurance went up 13.9 percent between 2002 and 2003, the third successive year of double-digit increases in the cost of health insurance, while inflation in general is going up 2.2 percent. Of course workers are paying more out of pocket and receiving less coverage.

Small businesses are getting hammered if they can afford health insurance. If they can't afford it, frankly, they are on their own, and that is not a good outcome here. The question is, Why are these rates going up?

When the Kaiser Foundation asked the businesses what they thought, the No. 1 reason was the cost of prescription drugs going through the roof.

I talked to the CEO of the biggest company in Illinois during my August recess. They are self-insured for health. He told me they are now spending more money on prescription drugs for their employees and retirees than they are for the rest of their health insurance costs—more on prescription drugs. Prescription drugs are skyrocketing in cost. We are doing nothing about it, either in the prescription drug benefit for seniors or in any other legislation.

The second reason, of course, for the cost of health insurance going up is the cost of hospital services. So you might ask, What about the health insurance companies? How are they doing? That is interesting.

The Weiss Ratings, an insurance rating agency, looked at the profits for 519 health insurance companies. They evaluated these companies and they learned that between 2001 and 2002, of these 519 health insurance companies, their profits went up 77 percent. The same review had shown a 25-percent increase in the years 2000 to 2001. And the trend is continuing this year.

Have you seen the ads for PacifiCare Health Systems where the whale jumps out of the water and splashes in? In the second quarter of 2003, PacifiCare Health Systems, which serves 12 million Americans, reported a profit increase of 260 percent. UnitedHealth Group reported a 35-percent increase. Aetna reported a 28-percent increase.

These are extraordinary profit margins in the midst of a recession in America. They are profit margins at the expense of businesses, their employees, of labor unions and their members, and families across America. For my colleagues who say it is hands off, Government cannot get involved in this debate, this is an issue to be resolved in the marketplace, I remind you again it is being resolved in the marketplace as health insurance premiums skyrocket and coverage disappears.

A friend of mine with a small business in downstate Illinois and 10 employees had 1 employee whose wife had a baby who was sick. The baby incurred great costs at the hospital. The next year, when his small business went in for their health insurance, they were told their premiums would double—a 100-percent increase from one year to the next because of one claim.

This man and his wife had this company in their family for generations. They called together the 10 employees and said: We cannot do it. We cannot pay it anymore. We are going to give you the money which we would have put in your monthly paycheck each month for your health insurance. You have to go try to find coverage.

The family with the sick baby could not find any. The others went out and did the best they could. I asked the owner of the company, who was genuinely saddened when it reached that point, what did it mean? He said: I'm in the open market for health insurance. It meant at his age, about 58-years-of-age, and his wife about the same, that whatever they make a claim for under their health insurance policy this year will be excluded from next year.

Whether it is part of your body or disease or illness, you are stuck.

Next year it is excluded.

Let me tell you the lengths to which they have gone. When this woman, who is now with her husband in the private health insurance market, goes in for a mammogram and they say, Where should we send the results, she says: Send them to me personally. I don't want them to go to a doctor because if they become part of my medical record, it will be used against me when we apply for health insurance next year.

That is what it has come to and that is what people are facing across America—outrageous copayments, increases in premiums they cannot afford, and less and less coverage every year.

What have we done about it? What has this Government done to stand behind these businesses and labor unions and families? Absolutely nothing.

That is unacceptable. If we really want to address an issue that business cares about and labor cares about, this is the issue.

If you are concerned about competitiveness, consider this: The cost of health insurance is embedded in the cost of every American product that we export overseas. In other countries, the government provides the health insurance. It is a government obligation, paid for in taxes. The individual companies do not have to add it to the cost of the car they are selling in the United States. But we do. Every time we produce something in the United States with American workers, covered by health insurance premiums that are going through the roof, the cost of that health insurance is embedded in every product and, frankly, takes away from our competitiveness.

I challenge myself as a Senator here and my colleagues. We cannot escape the responsibility to address this issue honestly, and we cannot escape the reality that the marketplace is now driving health insurance beyond the reach of conscientious businesses that want to protect their employees and labor unions that are trying to stand up for working men and women and of families who, if they are left to their own devices, will find this to be a very cruel alternative when they seek health insurance.

I yield the floor.

MEASURE PLACED ON THE CALENDAR—S. 1618

Mr. SANTORUM. Mr. President, I understand S. 1618 is at the desk and is due for a second reading.

The PRESIDING OFFICER. The clerk will read the bill for the second time.

The legislative clerk read as follows:

A bill (S. 1618) to reauthorize Federal Aviation Administration Programs for the period beginning on October 1, 2003, and ending on March 31, 2004, and for other purposes.

Mr. SANTORUM. I object to further proceedings on the bill.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

The PRESIDING OFFICER. The Senator from Pennsylvania.

PARTIAL-BIRTH ABORTION BAN ACT OF 2003—Continued

Mr. SANTORUM. Mr. President, I believe we are now on S. 3, which is the partial-birth abortion bill?

The PRESIDING OFFICER. The Senator is correct.

Mr. SANTORUM. Mr. President, for the information of Members, we will have an hour of debate, a half hour each side, and then we will have a vote at 2:40 this afternoon, followed by a series of five votes on judges.

This is a vote that, candidly, is not necessary. It is a vote that will be 100 to nothing, or as many Senators as are still here to nothing.

It is a vote to get this bill to conference. The House passed one bill. The Senate has passed a different bill. The normal rules are you adopt a motion of disagreement and go to conference. Otherwise, you keep bouncing back and forth to the House and the Senate with a fully amendable vehicle which doesn't get you anywhere.

I am asking all of my colleagues to vote on this procedural matter to get the bill to conference. I will tell you that I fully anticipate the bill coming out of conference within a very short period of time before we recess for the rest of the year. We will have a bill that will pass here overwhelmingly. It will pass in the House overwhelmingly and be signed by the President, which is the objective I think certainly the vast majority of the people in this Chamber would like to see done.

I understand there may be some reasons the Senator from California wanted to have this debate and have this vote. This is probably the only time where all of us will agree on this issue and vote for this resolution and get it to conference. We will then move, hopefully expeditiously, from that point.

I see the Senator from New Jersey is here. I will be happy to yield the floor and allow him time to speak.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. CORZINE. Mr. President, thank you. I thank the Senator from Pennsylvania.

Mr. President, I come to the floor and stand with my good friend, Senator BOXER, and the women across America to express my support for the landmark Roe v. Wade decision and the importance of protecting a woman's fundamental right to choose. I think that really is what the issue is about—not the parliamentary procedures we are talking about. Earlier this year, we marked the 30th anniversary of this critical decision which clearly established a woman's fundamental right to reproductive choice. I strongly support that right. The decision about this difficult choice for an individual should be made by the woman, her doctor, and her moral counsel and, in my view, not by politicians and not by Government. Simply put, I trust the women of America to make their own health and moral decisions without the intrusion of Government. I think that is what Roe v. Wade indicates.

Having said that, I recognize women and men of good faith can and will reach different conclusions about this difficult moral question involved in the debate. But Roe v. Wade is the law of the land. I am very troubled by this administration's—and frankly Congress's—attempts to undermine that basic right by that decision. Whether it is through the so-called partial-birth abortion bill, reduced access to family planning, efforts in redefining the legal status of fetuses, or far-right traditional nominations, this administration and this Congress are constantly knowingly chipping away at women's fundamental freedoms.

That is why I was pleased when, in the context of the so-called partial-birth bill, the Senate adopted the Harkin resolution expressing support for Roe v. Wade, which is what the debate is about today.

First, let me make clear I oppose the underlying bill, and I still do. I believe the bill is unconstitutional, and it doesn't take into account the health of the woman that the Supreme Court requires. Its practical effect would be to deny women access to some of the safest procedures at all stages. That said, with the Harkin amendment included, I was at least partially satisfied that the Senate has reaffirmed the importance of Roe v. Wade.

Again, the reason we are having this debate is to make sure our conferees are embracing something we supported here in an open vote on the floor of the Senate. All of us know the House has stripped away the resolution affirming Roe, laying bare, in my view, the true purpose of the underlying legislation—to undermine Roe and ultimately roll back women's rights.

When Roe v. Wade was decided in January of 1973, abortion, except to save a woman's life, was banned in two-thirds of the States, including my home State of New Jersey. Roe rendered these laws unconstitutional, making abortion services safer and more accessible to women throughout the country—not just to a select few—and certainly on a safe basis. Many of these statutes are still on the books waiting for an anti-choice majority in the Supreme Court to overrule Roe.

I hope my colleagues will think long and hard about the implications of forsaking Roe. We need to be very careful to avoid returning to a period in which abortion was illegal and when the only choice women had was to seek illegal and unsafe abortions—particularly when economic position determined who had a safe choice. In those days, thousands of women died each year as a direct result of the abortion ban. In

fact, 17 percent of all deaths due to pregnancy and childbirth were the result of illegal abortions. It would be tragic if we return to those days and forget the lessons of history.

The Supreme Court itself in 1992 noted that in addition to improving women's health, Roe has enabled women to control their reproductive lives, and thus ''participate equally in the economic and social life of the Nation.'' Justice Harry Blackmun, the author of Roe, called his decision ''a step that had to be taken as we go down the road towards a full emancipation of women.'' That is a pretty straightforward sentence that I think most Americans believe in.

If we are really interested in reducing the number of abortions in this country, we should ensure that women have access to the full array of family planning services, including prescription, contraception, emergency contraception, and prenatal care. We should also support expansion of comprehensive sex education. That is the way to deal with this problem as opposed to putting it into the dark alleys and off of the front pages.

Every week 8,500 children in our country are born to mothers who lack access to prenatal care. Too many of these children are born with serious health problems because their mothers lacked adequate care during their pregnancy. As a result, 28,000 infants die each year in the United States. That is the real tragedy. We ought to act immediately to address this issue by expanding access to prenatal care, as several of my colleagues and I have proposed, to start helping them stay healthy. What we should not do, however, is pass legislation we know is unconstitutional and which would ban a common and safe form of abortion at all stages of pregnancy, and which would increase maternal mortality—all without improving the health of a single child.

We also should not forget Roe v. Wade is still the law of the land, despite this administration's seizing opportunity after opportunity to undermine it. Unfortunately, though, Roe hangs by a thread, and the retirement of one Supreme Court Justice could mean a change and the demise of Roe v. Wade.

That is why it is absolutely essential for this Senate to affirm the importance—and indeed the very validity—of Roe v. Wade. That is why it is important for the Senate to oppose the House stripping of the Harkin resolution, which is what we are debating.

It is time for us to make sure we stand firm on what we believe in so strongly. I think there is a lot we can do to prevent unintended pregnancies. That is where we ought to be putting our efforts—not undermining Roe v. Wade.

I yield the floor.

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

Mr. CORZINE. Certainly.

Mrs. BOXER. Mr. President, what time remains at this point?

The PRESIDING OFFICER. The Senator from California controls 22½ minutes. The Senator from Pennsylvania controls 28 minutes.

Mrs. BOXER. I just wanted to thank my friend very much, through the Chair, for coming over. I know it is a very hectic day for all of us. I appreciate the fact that several of my colleagues have come to the floor to speak about this.

The Senator's point is quite eloquent; that is, affirming Roe, saying this decision was the right decision and what this Senate ought to do.

Further, what we ought to be doing instead of outlawing procedures without making exception for the health of the woman, we ought to be moving forward aggressively with family planning. We ought to be helping poor children and poor families.

I find very interestingly the very people who want to have the court overturn Roe, say that Roe is a bad decision, and the Government should decide what women should do with their own bodies are the ones we cannot get to support us on family planning and on helping poor kids. It is a very odd set of circumstances to me when I see an elected official say we should ban abortion because it is wrong from minute 1. We should ban abortion, force women to have these children at the earliest stages, not let them decide but have the Government decide, and then turn our backs on the children once they are born.

I ask my friend if he does not see an irony here?

Mr. CORZINE. There clearly is. The Senator from California recognized that. First, there are positive steps that can truly lift up and help children across the country, across the world, frankly, including more thoughtful planning processes. But more importantly, we are taking a decision away from individuals, which is the most private, the most moral, the most important decisions they can take, and saying we know best. I have a very hard time understanding how that fits with other philosophies that I hear at times expressed.

I know this is a difficult decision for every individual. They have to struggle with that in their own lives. There is no way, in my view, that we should be moving to have Government make that decision when, in fact, the individual, doctor, and people's moral counsel are the places where that decision lies.

I appreciate the Senator from California and her effort to make sure such an important and potentially divisive issue in our society, which has been decided by the courts, constitutionally decided by the Court, continues to be reaffirmed by all involved in elective public office.

Mrs. BOXER. I ask my colleague one more question. My colleague has come in favor of the Harkin amendment. I hope we have a very big vote to disagree with what the House did. The House struck the Harkin amendment from the bill. That is a very strong difference the Senate has with the House. We will vote to disagree with what the House did.

I share with my friend the very elegant simple language of the Harkin amendment:

> It is the sense of the Senate that:
>
> (1) the decision of the Supreme Court in Roe vs. Wade (410 U.S. 113 (1973)) was appropriate and secures an important right; and
>
> (2) such decisions should not be overturned.

This is a very elegant, simple statement and, by the way, has no force of law. It is simply a sense of this Senate.

Does it not seem to my friend to be an indication of how out of sync the House is on that they would strike this simple sense-of-the Senate language? If you ask the people, and we have a recent poll—Should Government be involved in the early stages of a pregnancy?—80 percent say, Government, keep your nose out. And the House is so interested in passing this underlying ban on a medical procedure that, by the way, has no exception for health, would the Senator not think they would have just left this in and then there would be no difference between the House and the Senate? As we know from our Government textbooks, when there is no difference, the bill would go right to the President. Does my friend believe that the House leadership, those who struck this language, who pushed striking this language, are out of step with the vast majority of people in New Jersey, people in California, people in this country, 80 percent of whom believe the early stages of pregnancy, this decision should be between a woman, her doctor, her God, and her family, and it is not about Senator CORZINE deciding or Senator BOXER deciding or Senator SANTORUM but rather the women, in consultation with their conscience, their family, their God, their doctor.

Mr. CORZINE. The Senator from California is elegantly stating the case. I certainly have a strong sense that the people of New Jersey believe, the women of New Jersey believe, what the people across the country in the poll numbers that have been suggesting believe: Most Americans thought this issue was resolved once and for all by a very clear decision, tough decision of the Supreme Court, and should stand.

What we are doing by including the Harkin resolution—which is, as the Senator said, very elegant, simple, very straightforward, not the rule of law, the force of law—is very clearly underline something that has been decided by the American people and continues to be supported by the American people. It is important we have this language in the underlying bill which, by the way, as I suggested, I didn't vote for to start with. But I do believe it was made better by this resolution. I implore the Senator from California to continue to speak out with the kind of

elegance and care which gets at one of the most difficult and painful choices and issues we have to deal with in our society.

Since we have resolved this, we should live with it and go forward.

I yield the floor.

The PRESIDING OFFICER (Mrs. DOLE). The Senator from Pennsylvania.

Mr. SANTORUM. To reiterate, this idea that the vast majority of the American public agrees with Roe v. Wade is not correct. Roe v. Wade allows abortion under any circumstances at any time during pregnancy. That is what Roe v. Wade does.

Now, what does the American public say about their position on abortion? According to the Center for the Advancement of Women, a pro-choice activist group doing a survey among women in America—not wording it in a way that will get a conservative or pro-life response, I might add—51 percent of the women in this survey this year, this summer, said they would either ban all abortions or only abortions in the case of rape, incest, and to save the life of the mother—51 percent of women in this country, and this is not inconsistent with other polls.

The idea that 80 percent of the people in America support Roe v. Wade, if you tell people what Roe v. Wade is or ask them their position on abortion and match it up with what Roe v. Wade does, 80 percent of the American public under no survey support what the law is pursuant to Roe v. Wade; 51 percent would take what most people in this Chamber would term the pro-life position, 50 percent of women—that is, no abortions or no abortions except in the case of rape, incest, and to save the life of the mother, which is far less than 1 percent of abortions done in this country: 1.3 million, one-third of all conceptions in America end in abortion.

Additionally, 17 percent say it should be stricter than under current law. What does that mean? That means stricter than under Roe v. Wade. So you have 68 percent of the women saying they disagree—according to a pro-choice advocacy group survey—saying they disagree with Roe v. Wade.

So the suggestion that the House is out of step with America because they do not support language that is not supported by 68 percent of the American public—and I argue it is probably higher than that because the other category is so cloudily worded so as to probably bring in people who would have problems with the absolutism of Roe v. Wade. The idea that 68 percent, at least, of women in this country do not support Roe v. Wade speaks for the wisdom of the House and the centrality of the position that the House took.

A couple other comments about Senator BOXER's statement about rejecting the House's stripping of the Harkin language. The fact is, when you have two different versions that pass both bodies, you go to conference. That is what we do. We do it as a routine. That is what we will do today. This is a routine procedure vote that simply gets us to conference. I assure my colleagues the bill that will come out of conference will be one that will be very familiar to Members here and will be, I believe, overwhelmingly adopted.

There are another couple points I would like to make.

I spoke earlier on this topic—the Senator from California spoke about it—and that is this idea that Roe v. Wade has saved the lives of women who would otherwise have had abortions illegally and would have died as a result.

The Senator from California states that there were 5,000 women who died per year as a result of illegal abortions prior to Roe v. Wade. I put into the RECORD the facts. The facts at that time, according to the Department of Health and Human Services, the National Center for Health Statistics, which said there were a total of 612 deaths of women who died as a result of complications from pregnancy—total maternal deaths 612: of that, 83 were related to abortion.

If you look at the trend—this chart starts in 1942—the total number of deaths from abortion goes down from 1,200 to 1,100, to 986, to 888, 760, 585, 496, 394, 316, 303. It keeps going down and down and down, all the way up to 1966, 189—160, 133, 132, 128, 99, 83—every year, virtually every year. There are a couple where it goes up maybe one or two and then back down one or two, but the trendline is clear: Because of the improvements in health delivery, the improvements in medicine, we have seen the number of deaths go down, even when abortion was illegal, as well as a commensurate drop in total maternal deaths as a result of pregnancy.

We would expect that trend to continue as health delivery continues. In fact, if you look at the numbers today, in 1998, which is the most recent number available, there were nine women who died from legal abortions. If you would follow this trendline, that is actually higher than what the trendline would suggest, given the trendline over the previous 30 years on this chart.

So the idea that Roe v. Wade is saving all of these lives is false. It is false. The idea that the Senator suggested—she said she was going to put evidence in the RECORD to substantiate the 5,000. We have gotten the information the Senator put in the RECORD. I cannot find anything in those documents that even talks about the number of women killed from abortions prior to 1972. So maybe she handed in the wrong documents. I don't know. But I don't see anything in any of those documents that talks about the number of women who died prior to 1972 as a result of abortion.

The reason is, the only facts we have are the official facts of the U.S. Government. I know the Senator from California said: Well, these women in these statistics were subject to prosecution, criminal sanction, if they had an abortion, so, of course, they wouldn't be reported. What the Senator from California obviously forgot is these women are dead. So obviously they aren't concerned about criminal sanctions at that point. This is information off the death certificate. So the idea that someone is playing with these numbers or the people are not reporting them because of fear of criminal action is just absurd.

This argument that justifies Roe v. Wade is false. But what is true? The number of abortions in this country has skyrocketed—that is true—and millions of children have died. Millions of children have died as a result of Roe v. Wade.

Is the condition of children better as a result of Roe v. Wade? Is the condition of the family better as a result of Roe v. Wade? The statistics don't prove that out, either. Oh, I remember reading things that were written at the time about how the legal right to an abortion was going to dramatically affect the amount of abuse, domestic violence, and we would see a dramatic drop in domestic violence because children—these problems that we have out there—if you take children out of the relationship—unwanted children—domestic violence will go down. Roe v. Wade will decrease the amount of violence in the house. Not true. It did not happen. It went up.

It was said: Well, it will decrease the amount of violence toward children. You have all these unwanted children out here and as a result parents get violent because they don't want these kids and they are forced to have them. So not only domestic violence will go down but child abuse will go down. False. It more than doubled. Almost immediately, within a few years after Roe v. Wade, it started to go up and dramatically increase.

You can see from every single social indicator that has an impact on women and children and families in America, they have suffered horribly as a result of this ''compassionate'' decision. The facts just do not work out the way some would have liked them to, so we make up facts.

The Senator said: I am entitled to my facts and she is entitled to hers. Well, I disagree. You are entitled to your opinion; you are not entitled to your own set of facts. The facts are what they are. Make your debate. Make your arguments. As a result of that, I respect you to do that. But the facts are what they are.

These are not my facts. These are the facts of the Federal Government, period. And they do not support the arguments.

The Senator from New Jersey said that somehow or another we are not to make decisions in the Senate that affect the rights of women with respect to carrying a pregnancy to term. I respect that opinion. I disagree with it.

I think it is important we have this debate. The problem, though, is that we really cannot have this debate. See, the problem with the U.S. Supreme Court's decision is that this debate was

truncated in America because the U.S. Supreme Court came in and pulled the debate that was raging across America as to how we are to deal with this very difficult issue—and it is a difficult issue—they just pulled the stakes right up and said: No, we are going to take this incredibly important moral decision, take it out of the hands of the American public, and we are going to decide, we are going to make a new constitutional right, a right to an abortion.

I think everyone would agree, prior to 1973 there was no such right. So they created one in the Constitution—by the way, without having to go through the tortuous exercise of passing a constitutional amendment. They just decided to do it and took away the right of every American—other than them—to decide what the right public policy should be, what the moral public policy should be.

I hear this so often, that Congress should not make moral decisions. Name me one vote we have here that does not have some moral implication. Every single one does, from whom we tax to whom we regulate. There is a moral component to everything we do here. We cannot run from that. My goodness, I hope we do not want to run from it.

But they usurped that authority away from the people of the United States, and now, when those of us get up and question that, we are somehow illegitimate or extreme or somehow not comporting with the law of the land.

Well, I have likened this decision—and I will to do it again—to the Dred Scott case. I refer to Roe v. Wade as Dred Scott II because it is exactly the same principle upon which Dred Scott was decided. Dred Scott was decided saying that the rights of a human being were subject to the rights of another person.

The life right, the essential right, the most important right, the right to an existence was subject to the liberty rights of somebody else.

There were people at that time who said: Who are we to make this decision that slaveholders should not have the ability to own slaves? It has been done for centuries. It is in the Bible. How can this be wrong? And who are we to make the decision? We should trust our own conscience. We should trust the conscience of these people to do the right thing. I think that is what the Senator from New Jersey said. That decision should be made between the slave owner, the banker, and the slave. Maybe the slave doesn't get involved; I don't know. What did they say back then? But that is the same debate being made today. We sort of remove ourselves from having any moral overtones: We should not make this decision. Let somebody else make it. I personally may be opposed to slavery, but who am I to tell a slaveholder they shouldn't have a slave? How many times have you heard: I personally would never own a slave? I personally would never condone abortion?

It is the same issue. The right of life has been subjugated to the right of someone's freedom to do what they want irrespective of that other person's life. That is what slavery was based upon. That is why we look at it now and we say: How could we possibly let that happen?

How could we take the order of liberties put forward in the Declaration of Independence—that you are endowed by your creator with the right to life first and foremost, then liberty, then the pursuit of happiness? Why? Because if you don't have life, you can't have liberty. And if you don't have liberty, you can never pursue your happiness and your dreams. When you put those out of order, it is like pouring acid on the structure of America. It corrodes us. It just eats away at us. And it infects so much else. So much else has been affected by this right to privacy under the Constitution that was created by the Supreme Court. I mean you go on and on and on, these rights that put the liberty rights of some over the life rights of others. What happened to the society that put the rights of others before the rights of us, put the common good before us?

I had the privilege a couple months ago, on July 4, to be at the National Constitution Center opening. I thank my colleagues who supported Federal support for this incredible facility to teach our children about our Constitution. It is three blocks from Independence Hall. It is a magnificent facility, a great interpretive facility that teaches about the essentials of our Constitution.

I was asked to speak at this event and talk about one particular piece of the Preamble to the Constitution. Each speaker got a little piece and, therefore, we were to weave the whole thing together. My piece was ''promote the general welfare.''

Not having been a great student of the Constitution, I decided I had better read the Preamble again and get an understanding of what this was all about. As I looked at that, I looked up the definition of ''preamble.'' It said: The reason for the document to follow. It gave the reason. Why did we establish, why did we put this Constitution together? The preamble states the why; the Constitution itself is the what. And it struck me, as to all the things that were in the Constitution—establish justice, ensure domestic tranquility, provide for the common defense, secure liberty for ourselves and our posterity—of the five verbs, ensure, establish, provide, and promote, four of the five were active verbs in which the Government was to do something. It was the Government's responsibility to ensure or to establish or to provide, except the one—promote.

The Government's job there was not to do that but to create an atmosphere in which people would do it. Do what? Promote the general welfare. And what is the general welfare? What was the reason that our Founding Fathers gave us all of these rights and which the Supreme Court now litigates on, the rights in the Bill of Rights, the right to freedom of speech and freedom of assembly and freedom of the press and religion, all of the freedoms, equal opportunity, all of the things that are in this great Constitution of ours?

What was the goal of our Founders in giving individual—because they are by and large not group rights; they are rights of individuals—rights, the general welfare, not the individual welfare, not your personal success, the common good. It was a country designed to be bigger than us. It was not about us. Yes, they gave freedom to us. They gave liberty to us. But the goal was not us. The goal was something lofty, something great. And we are corroding this document into something that is just about us.

The greatest of the corrosions is Roe v. Wade. The greatest injustice is Roe v. Wade, where it says: I am the law; I decide common good, general welfare—me. I come first.

That is not the vision of the miracle of Philadelphia. That is not the reason this country was established through this Constitution. We had loftier goals. We had greater ideals. We had dreams of what this country could be if we all went out and, yes, pursued our dreams, but we did so in service to others, in building a community, in founding a nation based on morals and laws that respected the rights of others. Oh, how we have slipped, how we have slipped to just thinking about us.

Why is this right in the Constitution so popular among others, particularly the popular culture, the elite culture in this country? Why is it so adamantly defended by the media and those in this elite culture? Because it is about me. It is a culture. Look around you, folks. It is a culture that says: If it feels good, do it. Please yourself. Don't worry about other people. Just do whatever feels good—me, me, me.

Of all the rights in the Constitution, the right to privacy is the ''me'' right, it is the ''me first'' right.

If you think about what our Founding Fathers did when they put that Constitution together, they had no intention of creating me-first rights. If you have any question, read the Preamble—the general welfare, the common good. That is what this country is all about, and they knew the best way to get there was to give people the freedom to pursue the truth, to pursue those dreams, to pursue happiness—not hedonistic happiness but true happiness that you find in serving others, in doing things that are bigger than you.

We have lost our way, and there is no better example of how lost we are than this decision. I know there are hard cases out there, and we will hear them, I am sure. We will hear them over and over again, how difficult the decisions are. Having known people who have gone through that decision, I know

how gut-wrenching and terrible and awful these tough decisions are. But I think back to the speech given earlier this year by Condoleezza Rice at the National Prayer Breakfast. She gave a talk I have not heard in this town for a long time. She gave a talk about the importance of suffering. She gave a talk about her ancestors, slaves in America, who had a spiritual hymn, ''Nobody Knows the Trouble I've Seen,'' followed shortly thereafter by the verse: Glory hallelujah.

She said it struck her: How could they be talking about all this suffering and pain and then giving glory to God? She let me understand that God puts you through suffering to perfect you. I don't know too many people in life who learn and grow by having things come easy, being taken care of by somebody else. They learn by the difficult, tough things we all do because we are all sinners, we all make mistakes, and we get ourselves in jams all the time. You learn, you develop character, and you develop who you are by how you deal with that suffering.

I would argue the right to privacy in America has given people an out that is not always in the best interest of them or our society.

This is a tough issue. I reiterate, I respect the other side for their opinion. I just wish the Court would respect my side. I wish the Court of the United States of America would respect the other side of this issue enough to allow us to debate it in America and make a decision based on how America feels about it because that is how democracies and republics are supposed to work. But they have denied you, the American public, and your representatives here the opportunity to do that. My colleague from California wants to keep it that way. I think you deserve better.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, will you give me the time situation, please?

The PRESIDING OFFICER. The Senator from California has 15 minutes 27 seconds, and the Senator from Pennsylvania has 1 minute 2 seconds.

Under the previous order, the Senator from California reserves 10 minutes to close.

Mrs. BOXER. Madam President, will you please notify me when I have 10 minutes remaining?

The PRESIDING OFFICER. The Chair will so notify the Senator.

Mrs. BOXER. Madam President, we are coming to the end of what I think has been a very good debate. I am very hopeful the Senate will vote yes on the motion to disagree with the House. The Senator from Pennsylvania, who is worried about this, has decided everyone is going to vote for it. I say good news. Let the Supreme Court see that while the Senate took up this bill to ban a medical procedure, a medically necessary procedure, it, at the same time, supported a landmark decision called Roe v. Wade that said to the Government: Stay out of people's lives in the very early stages of a pregnancy. It said to the Senators then and to the Senators now: You think you are important, but guess what. You need to respect the people you represent and not interfere in a decision they need to make with their God. I think that is profoundly moral.

What I think is immoral is to take your views, Madam President, or my views or the views of the Senator from Pennsylvania and force them on the people of this country. It is disrespectful, it is not right, and it is not what America is about.

In 1973, the Court said to us: At the early stages of a pregnancy, a woman has this right, but at the later stages of a pregnancy the State can, in fact, ban abortion, as long as the State always respects the life and health of a woman. That was a wise decision, and it has held to this time. There are many people who want to see it overturned. Indeed, the Court is about 5–4 on that decision. A lot hangs on that because this is not some abstract issue. This is a real issue.

The Senator from Pennsylvania challenged me this morning. He said: You keep saying women's health would be harmed if this medical procedure in the underlying bill is banned, but you have no proof.

I don't know what more I can do than what I did this morning, which is to put into the RECORD—and I will reiterate the documents—how many doctors, organizations, how many nurses, how many OB/GYNs said, we are, in fact, opening up the door for women to be harmed, gravely harmed.

Let's put up the chart that shows what we were told by physicians could happen. If this is supposed to be a moral bill, I ask you a simple question: Is it a moral position to outlaw a medical procedure that doctors are telling us is necessary, in many cases, to protect the health of a woman? Is it a moral position to subject a woman to hemorrhages, to uterine rupture, to blood clots, to embolism, to stroke, to damage to nearby organs, such as your kidneys, to paralysis? If that is considered a moral position, then I guess—I just can't see it. I don't see it.

If you don't know, if you do something without knowledge, I cannot say you are immoral. But if you are doing something with knowledge, if you are banning a procedure we know is necessary, and we have doctor after doctor—here is testimony of Vanessa Cullins, vice president of Medical Affairs of Planned Parenthood after years of being a board-certified OB/GYN with a master's degree in public health and business administration. That is her testimony.

We also put in the RECORD the testimony of Anne Davis, M.D. She is a physician who practices in New York. She is board-certified in OB/GYN. She went to Columbia University. She gives us chapter and verse about her belonging to the American College of OB/GYNs and how they are very worried that these things, and worse, could happen if this bill passes.

Let's face it, this underlying bill is going to pass. For the first time in history, Congress is playing doctor, outlawing a medical procedure that is sometimes necessary to save the life and health of a woman, outlawing that procedure without a health exception, and we are doing it with knowledge and forethought. If you can sleep at night doing it, then that is fine.

The American Medical Women's Association: Please have a health exception.

The American Public Health Association; Physicians for Reproductive Choice and Health. It goes on and on. This letter by Felicia Stewart, who is an OB/GYN in California, was very specific on what could happen. So the bottom line is, if we want to talk about morality, I am ready to talk about morality.

The PRESIDING OFFICER. The Senator has 10 minutes remaining.

Mrs. BOXER. I will withhold my 10 minutes until after the Senator from Pennsylvania speaks.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Madam President, to reiterate, we make moral decisions on this floor every day. We decide what things are legal, what things are illegal. We do so based on a variety of things, but morality is certainly one component of that. The idea that we have no right to pass laws that are moral, then we should eliminate the laws against killing, we should eliminate the laws against rape. Those are all based upon the fact we believe those acts are harmful and immoral and therefore we pass laws to proscribe them.

I do not think we want to kick ourselves out of the business of stopping things that are immoral in this country by passing laws to proscribe them. Believe it or not, some people actually do not do immoral things because there are laws against them.

I suggest that this idea that we have no right to pass moral judgment is the greatest canard that I have heard across this country. I hear it all the time, that we should absent ourselves from this moral debate. It is exactly where this debate should occur.

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

The Senator from California.

Mrs. BOXER. I never said we should not pass laws that stop immorality. I am a champion of those. I am leading a fight right now in the Commerce Committee to stop child kiddy porn. I am sure my friend is going to work with me on it.

Mr. SANTORUM. I will.

Mrs. BOXER. He misunderstood and absolutely misrepresented what I said. What I said is that the underlying bill, which does not make an exception for the health of the woman, is an immoral

bill. I do not think it is a moral bill. I think it is an immoral bill, and the reason I think it is an immoral bill is it makes no exception for the health of a woman, no matter how hard we try. We reached across the party line. We said we want to make an exception for health. Oh, no, women will lie. Oh, no, doctors will lie. We cannot have a health exception. People will lie.

I feel sorry for a woman who finds herself in a circumstance where she is in desperate shape, in a pregnancy gone horribly wrong—and I have met many of them. I have seen their faces, and God bless them because they have come out and given up their privacy to talk about what they have gone through. I feel sorry for the next woman who is lying bleeding on a table and a doctor has to take out this law and say: I am not sure because your life may not be at stake. It may be your health, and if I use this safe procedure I might lose my license, I might go to jail.

Anyone who wants to be party to that, be my guest. Thankfully, across the street there is a Supreme Court, and I think they will find this underlying bill unconstitutional because it is vague and because it does not make an exception for the health of the woman. Even the most rabid anti-choice people are now saying that this bill is surely unconstitutional.

Why do I think the underlying bill is immoral? Because we know a woman could get a hemorrhage, a uterine rupture, blood clots, an embolism, a stroke, damage to her organs, or paralysis if this technique, this medical procedure, is not used in certain very serious cases.

So, oh, yes, I support laws that are moral. My colleague is absolutely correct, there is morality in everything we do. When we go after corporate abuse, when we go after criminals who because of insider trading, for example, make an illegal profit, I am going after them. That is a moral issue. Weapons of mass destruction, that is a moral issue. A new generation of nuclear bombs, that is a moral issue. Abortion is a moral issue. You bet it is.

I believed that the Roe v. Wade decision in 1973 took a moral stand and found that they have to balance the rights of all involved. My friend says, and I am going to quote him now, ''Our society is corroding.''

Well, I do not believe that I am corroding because I am pro-choice. I do not believe the people in the Senator's State who are pro-choice are corroding. I do not believe that the people of this country who believe that politicians ought to stay out of their private lives in the early stage of a pregnancy are corroding. I think they are struggling with a tough issue.

My friend said this morning that I was wrong, that 5,000 women did not die. I put a cite into the RECORD. I now have a book by Richard Schwartz, assistant professor in the Department of Obstetrics and Gynecology School of Medicine, University of Pennsylvania. He was the chief of the section there. This is an old book from 1968 in which he says:

> It has been estimated that as many as 5,000 American women die each year as a direct result of criminal abortion. The figure of 5,000 may be a minimum estimate inasmuch as many such deaths are mislabeled or unreported.

As I said to my friend this morning, he said the CDC said only 85 women died of illegal abortions. Well, people did not come forward. Families did not come forward. Doctors did not come forward.

This was a crime. He has in his own State a great university, and one of the leaders of the School of Medicine there has written this. I ask unanimous consent that this excerpt from the book be printed in the RECORD.

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

SEPTIC ABORTION

(By Richard H. Schwarz, M.D.)

SCOPE OF THE PROBLEM

> It has been estimated that as many as 5,000 American women die each year as a direct result of criminal abortion. The figure of 5,000 may be a minimum estimate, inasmuch as many such deaths are mislabeled or unreported. Most studies also indicate that up to 1,200,000 illegal abortions are performed annually or—otherwise stated—that one pregnancy in five in this country is illegally terminated. Hellegers challenged these figures and suggested that there are more likely 200,000 abortions and 800 deaths annually. Although much smaller, these figures still represent a significant wastage. With the striking reduction in the general, maternal death rate, however, septic abortion has become a leading cause of maternal deaths. In Philadelphia over 50 per cent of the maternal deaths result from complications of abortion, and this fact apparently holds true in other areas of the country: Stevenson reports 57 per cent in Michigan; Hellman, 33 per cent at the Kings County Hospital in Brooklyn: and Fox, 28 per cent in California.
>
> During recent years at the Philadelphia General Hospital, where deliveries averaged between 4,000 and 5,000 per year, there have been, rather consistently, 800 to 1,000 abortions annually. One can readily see that this exceeds the expected spontaneous abortion rate. Periodic reviews of patients admitted with incomplete or inevitable abortions indicate that at least one third of these women can be classified as septic at the time of admission to the hospital. During the 12-year period between January 1, 1954 and December 31, 1966, a review of slightly over 12,000 abortions revealed 29 deaths. Twelve fatalities were caused by septic shock, five by ruptured postabortal abscess, two by staphylococcal septicemia and two by tetanus. Therefore, 21 of the total of 29 deaths, were caused by infection.

Mrs. BOXER. Another point of debate about how many women died, whether it is 85, 89, 100, 5,000, or as Dr. Schwartz says, probably much more, one death from an illegal abortion is too many.

Those of us who remember back to those days remember that, and that is why the Harkin amendment is so important because the Harkin amendment simply said we strongly support Roe. We do not think it ought to be overturned. I am very hopeful that every Republican and every Democrat today will vote to support Roe in this motion to disagree.

My colleague says it is just a routine voice vote. No, it is not. It is a vote on substance. That is why we have been arguing it. If it was such a routine, just a go-to-conference vote, I do not think he would have been arguing against Roe. If he wants to argue against Roe and then vote for Roe, that is great with me because we are sending that right over to the Court, and they will see that the Senate stands firmly in favor of Roe.

There are certain problems in our country that we thought we solved. One of them was this problem because when Roe v. Wade was heard, we did have thousands of women dying, and thousands more being made infertile. We all knew the stories. We all lived through those times. Roe said something had to be done about it. What they decided to do is balance all the interests.

Let us show what Roe says, because it is, in my opinion, such a moderate decision that balanced all of the interests and why it has been supported for so many years. What they say is that after viability:

> . . . the State in promoting its interest in the potentiality of human life may, if it chooses, regulate and even proscribe—

that means ban—

> abortion except where it is necessary, in appropriate medical judgment, for the preservation of the life or health of the mother.

I believe people who come to this floor and talk about morality, that is their right to do it. If they want to say they are more moral than someone else, that is their right. I do not have a problem with that. But what the Court did back in 1973 has said this is a tough issue. We have to look at everything. What they decided is instead of women running to a back-alley abortionist and paying cash under the table and risking their life by bleeding to death, becoming infertile and all of that, that in the early stages of a pregnancy, before the fetus could live outside the womb, that a woman has this right to choose.

I have to say, if we go back, and we could go back—it all depends on who is in this Senate, who is sitting in the President's seat, who is over in the Court. That is all that is riding on. It is very clear. If we go back, we are going to go back to the days that were not good for women and were not good for families. Do you know what. They were not good for anyone.

The beauty of being pro-choice and being in favor of Roe is that we respect everyone's opinion, not only by just standing here and saying, I respect the Senator, I respect the Senator—that is all fine. I respect my constituents. That means I trust them to make a judgment. That is the foundation of Roe—balancing all the interests; saying, at the early stages, keep the big nose of Uncle Sam and the Government out of private lives.

Some people find that privacy ruling distressing. I think it said: Do you know what. This is a great country because we respect our people. We are not an oppressive government like China. We are not an oppressive government like Romania certainly was. We don't force our people to have children. And we don't force them to have abortions. We trust them to think about what they want to do in such a situation.

I am extremely hopeful that in one moment from now we will have a big vote, a big vote to disagree with what the House did when they callously stripped out the Roe language that Senator HARKIN put in.

I hope it is a big vote. I cannot wait to see the vote because we are going to make sure the Supreme Court understands that we still stand for the life and health of the woman.

The PRESIDING OFFICER. All time has expired.

Mrs. BOXER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

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

Mr. MCCONNELL. I announce that the Senator from Utah (Mr. HATCH) is necessarily absent.

I further announce that the Senator from Oregon (Mr. SMITH) is absent because of a death in the family.

I further announce that if present and voting the Senator from Utah (Mr. HATCH) would vote ''yea''.

Mr. REID. I announce that 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. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 351 Leg.]

YEAS—93

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

NOT VOTING—7

Edwards	Kerry	Smith
Graham (FL)	Lieberman	
Hatch	Miller	

The motion was agreed to.

Mrs. FEINSTEIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate agrees to the request for a conference.

ORDER OF PROCEDURE

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Madam President, in the unanimous consent agreement, we now have a series of five votes on judges. I ask unanimous consent that those votes be 10 minutes each in duration.

Mrs. BOXER. Reserving the right to object, and I will not object, except to say I hope the Senate notes we had a 93-to-0 vote in favor of the Harkin amendment on Roe, and we hope our conferees will fight hard to keep that language in this bill.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. I will not object.

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

EXECUTIVE SESSION

NOMINATION OF R. DAVID PROCTOR, OF ALABAMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ALABAMA

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session and consider Executive Calendar No. 352, which the clerk will report.

The legislative clerk read the nomination of R. David Proctor, of Alabama, to be United States District Judge for the Northern District of Alabama.

The PRESIDING OFFICER. There are 2 minutes of debate equally divided on this nomination.

Who yields time?

The Senator from Alabama.

Mr. SESSIONS. Madam President, I am delighted that David Proctor is moving forward, as I believe three other nominees are from New York. David Proctor was an outstanding student in his undergraduate studies at Carson Newman College. He served on the Law Review at the University of Tennessee. He was at the top of his class in law school. He clerked for Judge Emory Widener on the Fourth Circuit Court of Appeals.

He was a member of one of Alabama's largest and most prestigious law firms, Sirotte & Permutt. And then he formed his own firm: Lehr, Middlebrooks, Price & Proctor.

He is a lawyer's lawyer, a practitioner who is in court on a regular basis, a man of great integrity and ability. I believe he is going to be a terrific Federal judge. He wants more than anything to give his life to serving the law. I think he will do that. It is a great honor for me to support his nomination.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I support the nominee who has been addressed by the Senator from Alabama.

I yield back the remainder of my time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. HATCH. Madam President, I am pleased today to speak in support of R. David Proctor, who has been nominated to the United States District Court for the Northern District of Alabama.

Mr. Proctor graduated with honors from the University of Tennessee College of Law in 1986. Following his graduation, he clerked for the Honorable Emory Widener Jr. on the U.S. Court of Appeals for the Fourth Circuit.

Mr. Proctor next entered private practice with the law firm of Sirote & Permutt, first as an associate and then as a partner. He left Sirote in 1993 to become a partner at Lehr, Middlebrooks, Price & Proctor, where he currently practices law. He specializes in labor, employment and civil rights law, representing employers and public sector entities ranging from Fortune 500 companies to small businesses. Furthermore, he has authored numerous articles on employment law. In recent years, Mr. Proctor has augmented his litigation practice with mediation.

I would like to share with my colleagues a letter sent to the committee in support of Mr. Proctor's nomination by Alex Newton, a partner in the Birmingham law firm of Hare, Wynn, Newell and Newton. Mr. Newton is a self-described ''lifelong active Democrat.'' He has known Mr. Proctor since the beginning of his legal career and highly recommends him to the bench. He writes that Mr. Proctor has ''broad experience . . . as an attorney. He is energetic, personable and blessed with absolute integrity. As a judge, I have no doubt he would rule without being influenced by race, creed, wealth or poverty of the litigant before him. He would serve . . . with distinction.''

As this letter attests, Mr. Proctor is an experienced attorney who will be an

asset to the Federal bench. I urge my colleagues to join me in supporting his nomination.

The PRESIDING OFFICER. Is all time yielded back?

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

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of R. David Proctor, of Alabama, to be United States District Judge for the Northern District of Alabama? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Utah (Mr. HATCH) is necessarily absent.

I further announce that the Senator from Oregon (Mr. SMITH) is absent because of a death in the family.

I further announce that if present and voting, the Senator from Utah (Mr. HATCH) would vote ''yea''.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), 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. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 0, as follows:

[Rollcall Vote No. 352 Ex.]

YEAS—92

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

NOT VOTING—8

Edwards	Hollings	Miller
Graham (FL)	Kerry	Smith
Hatch	Lieberman	

The nomination was confirmed.

NOMINATION OF SANDRA J. FEUERSTEIN TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK

The PRESIDING OFFICER. The clerk will report the nomination of Sandra J. Feuerstein.

The legislative clerk read the nomination of Sandra J. Feuerstein, of New York, to be U.S. district judge for the Eastern District of New York.

The PRESIDING OFFICER. There are two minutes of debate equally divided on the nomination. Who yields time?

The Senator from Vermont.

Mr. LEAHY. Madam President, I yield to the senior Senator from New York. These next four nominees come here with bipartisan support. As a result, they went through very quickly.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Madam President, this is the first of four nominees from New York. They are all very qualified, fine people.

The only point I wish to make is that the administration and the Governor worked closely with the Senate and with me and Senator CLINTON on these nominations. I think it shows, when there is cooperation, when there is true advice as part of the advise and consent process, we can come up with excellent nominees.

Each one of the nominees meets the criteria I believe we should have in every Federal judge—legal excellence, moderation, not too far left, not too far right, and diversity.

I will speak once because there are four of them, but I am proud to be here to vote for every one of the four nominees.

Again, if we get cooperation, we can do this without acrimony, without partisanship. That is what has happened in New York.

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

Mr. SANTORUM. Madam President, I yield back the remainder of my time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. HATCH. Madam President, I rise today to express my unqualified support for the nomination of Sandra Feuerstein to the U.S. District Court for the Eastern District of New York, and to urge my colleagues to confirm this fine nominee.

Justice Feuerstein has excellent academic and professional qualifications for the Federal bench. After her graduation from Cardozo Law School, she joined the clerk pool of the New York Supreme Court Law Department. In 1985, she was chosen to clerk for Justice Leo H. McGinity, an administrative judge in the New York State Supreme Court. In 1987, she joined the bench of the Nassau County District Court. In 1994, Justice Feuerstein became a Justice of the New York State Superior Court, where she would remain for the next five years. Since 1999, she has been a Justice on the New York State Appellate Division—New York's highest State court.

In addition to her proven bench experience, Justice Feuerstein is a highly recognized public figure. She has lent her extensive talents to the Nassau County Bar, various pro bono programs that she has founded or chaired, and many charitable organizations like the American Cancer Society. In the last decade, Justice Feuerstein has been the recipient of such awards as: Judge of the Year twice, Woman of the Year, Pro Bono Recognition Award, and Outstanding Committee Chairperson of the Year Award, to name a few. Earlier in her career, Justice Feuerstein was both an associated editor and editor of the Nassau Lawyer. In addition to her professional, charitable and publishing duties, she has been an adjunct professor at Hofstra University Law School since 1998.

Justice Feuerstein possesses the qualifications, the capacity, and the temperament a judge needs to serve on the federal bench. I am pleased to support this stellar nominee.

Mr. DASCHLE. Madam President, prior to the start of the vote, I know there are a number of Senators concerned about the schedule, given the conditions. I ask the distinguished Senator from Vermont, the ranking member of the Judiciary Committee, what his intentions would be with regard to additional rollcall votes. We anticipated taking up five nominations this afternoon. I have been consulting with him, and I really appreciate, as always, his cooperation on this matter.

I ask if he has any intention of seeking rollcall votes on the other nominees who are currently pending?

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, if I may respond to my friend from South Dakota, I assured the distinguished Senators from New York and the distinguished Senators from Alabama that we would have support on the Alabama judge, which we just voted on, and the next one is from New York, and we would get them confirmed.

I have been asked by a number of Senators, both Republicans and Democrats, because of the weather, if there is a possibility to just have this next rollcall vote and do the remaining three by voice vote. I would have no objection. Would that be the last vote of the day?

Mr. SANTORUM. Madam President, I do not think the leader is prepared to say that yet.

Mr. LEAHY. If we are going to have more votes, we might as well go ahead.

Mr. SANTORUM. I don't know. We will discuss it with the leader.

Mr. LEAHY. Why don't we go forward with this vote. If the decision is made that there will be no further rollcall votes while we are voting on this next

nomination, then I will not ask for rollcall votes on the remaining three nominations.

Mr. REID. Will the Senator yield?

Mr. LEAHY. The Senator from South Dakota has the floor.

Mr. DASCHLE. Madam President, I will consult with the majority leader with regard to his intention for additional rollcall votes, and we can continue our discussion following this vote. I think we ought to proceed with the vote.

Mr. LEAHY. Madam President, if the distinguished Democratic leader and the distinguished Republican leader do not intend to have any more rollcall votes, I certainly am not going to ask for any more rollcall votes on the remaining judges.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Sandra J. Feuerstein, of New York, to be United States District Judge for the Eastern District of New York? 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 Utah (Mr. HATCH) is necessarily absent.

I further announce that the Senator from Oregon (Mr. SMITH) is absent because of a death in the family.

I further announce that if present and voting the Senator from Utah (Mr. HATCH) would vote ''yea''.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), 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. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 0, as follows:

[Rollcall Vote No. 353 Ex.]

YEAS—92

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

NOT VOTING—8

Edwards	Hollings	Miller
Graham (FL)	Kerry	Smith
Hatch	Lieberman	

The nomination was confirmed.

Mr. FRIST. Madam President, first of all, congratulations to the managers of this bill. We are making real progress. We still have a number of amendments to look at, and discussions are ongoing. Even over the last several hours, while we have addressed the judges issue and completed debate and voting on the partial-birth abortion issue, work on Interior has continued. Overall, we are very pleased.

This is really for the benefit of our colleagues to give them some idea of what will be happening here on the floor today, tonight, tomorrow, and over the next several days.

First, we will have no more rollcall votes tonight or tomorrow or Friday. I start with that because I know that is what my colleagues are waiting to hear.

Work will continue tonight on the Interior bill. In talking to the managers, a number of amendments are being considered. Debate will continue this afternoon and into this evening and tomorrow morning.

We are in constant touch through the Sergeant at Arms and talking to FEMA about the weather conditions. Any decisions as to how long we will actually be in session will absolutely be focused on safety first and foremost. In saying that, we will be in session this afternoon and tonight, on Interior. We will come in tomorrow morning, and we will make the announcement when, but probably at 9:30 in the morning. I doubt that we will be on the floor all day. Again, the weather in part, the debate on the Interior bill in part, will determine that.

We will not be in session on Friday.

We will have votes on Monday, and likely multiple votes on Monday, since we are losing the opportunity for rollcall votes on Friday and Thursday and in part tonight. Business will continue, but it will mean that we will need to have multiple votes on Monday.

We intend to make progress on Interior, but also would like to set as, really, the final—final passage on that Tuesday, at some point Tuesday. That means we have the amendments before us to consider, and if there are any other amendments, we absolutely must know about those.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Madam President, I appreciate the announcement of the schedule by the majority leader. I will say to my colleagues, I have every expectation that we can complete our work on this bill on Tuesday. I intend to work with the majority leader to complete our work on the Interior bill by Tuesday. That will require Senators who have amendments to come to the floor for the remaining hours of today and tomorrow morning. I know I have one or two amendments, and I intend to offer them either today or tomorrow morning in order to allow those votes to be cast and stacked on Monday night. So there is no reason we cannot finish our work on this bill on Tuesday, assuming—and the majority leader has assured me—that we will go to another appropriations bill once we complete our work on this one.

I would also want to say to my distinguished colleague who was here just a moment ago, the Senator from Vermont, I am, once again, grateful for his cooperation. He is a man of his word. He, again, had indicated to me, on the understanding there would be no more rollcall votes, that he would be willing to allow the three remaining votes on these judges today to be taken by voice. So I want to express for the record and publicly, once again, my gratitude to Senator Leahy for his cooperation and his understanding of the need for some Senators to catch planes this afternoon.

I appreciate, again, the majority leader's comments and will work with him to complete the schedule.

Ms. LANDRIEU. Will the leader yield for a question?

Mr. FRIST. Let me make one further statement and I will be happy to yield.

Committee hearing decisions are being made today by chairmen. Again, we are going to be conducting business on the Senate floor. A number of chairmen called and said: Should we go ahead and cancel our hearings and committee meetings? That is being left to their discretion. Individual offices—I know a number are calling the Sergeant at Arms and calling our offices. We will stay in touch and we will come straight to the floor if there is any information in terms of safety that we know about as we go forward.

These five judges are very important. I would add we have six judges who are also waiting, right now, whose nominations are ready to come to the floor and to be voted upon. I hope we can do that soon. I would like to be able, possibly, to do some of those on Monday. We have six more judges who are ready to go.

I would be happy to yield for a question.

Mr. DASCHLE. Madam President, I would only say for the record, the votes today will take us to 151 judges that the Senate has cast votes on since this administration has come to office—151 district and circuit court judges. So, obviously, we are making great progress on those numbers.

For the record, I want to be sure our colleagues are aware of where we are, where we stand with regard to the number of confirmations.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Madam President, I understand the schedule has the potential of finishing up on the Interior bill on Tuesday. Does the leadership have options after Tuesday in terms of what appropriations bills we might go to after Tuesday?

Mr. FRIST. I will be happy to talk. We have been talking several days in advance each time. As the Democratic leader said, our intention is to go to appropriations and stay on appropriations. There is other business as we worked out to address partial-birth abortion and the judges. But the intention is to go to an appropriations bill. The specific one we don't know now. This is Wednesday. We are talking about a week from now. But we will stay in constant touch.

Ms. LANDRIEU. I thank the Chair.

NOMINATION OF RICHARD J. HOLWELL, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK

The PRESIDING OFFICER. The clerk will report the next nomination.

The legislative clerk read the nomination of Richard J. Holwell, of New York, to be United States District Judge for the Southern District of New York.

The PRESIDING OFFICER. All time is yielded back. The question is, Will the Senate advise and consent to the nomination of Richard J. Holwell of New York to be United States District Judge for the Southern District of New York?

Without objection, the nomination is confirmed.

Mr. HATCH. Madam President, I am pleased today to speak in support of Richard J. Holwell, who has been nominated to the United States District Court for the Southern District of New York.

Mr. Holwell is a 1970 cum laude graduate of Columbia Law School. The following year he earned his diploma in criminology from the Cambridge University Institute of Criminology. He then entered private practice with the New York law firm White & Case, first as an associate, then as a partner. Currently, he heads the firm's global litigation practice.

Mr. Holwell has spent most of his professional career litigating complex securities, antitrust, bankruptcy, and other financial market cases before both trial and appellate courts. He has extensive experience in both civil and criminal investigations conducted by the Department of Justice, the Securities and Exchange Commission, and other Federal agencies.

Mr. Holwell has also been a zealous advocate for the underserved. In 1987, the NAACP Legal Defense and Educational Fund awarded him its Pro Bono Award for his successful litigation of Capers v. Long Island Rail Road, a 10-year protracted title VII case in which he fought to protect the rights of black employees. In addition to title VII suits, he has represented indigent clients in landlord-tenant and custody disputes.

Mr. Holwell is an extremely well-qualified nominee. He brings compassion as well as more than 30 years of legal experience to the Federal bench. I am confident that he will be a fine addition to the bench and urge my colleagues to join me in supporting his confirmation.

NOMINATION OF STEPHEN C. ROBINSON, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Stephen C. Robinson, of New York, to be United States District Judge for the Southern District of New York.

Mr. HATCH. Madam President, I rise today in support of the confirmation of Stephen Robinson to the U.S. District Court for the Southern District of New York.

Mr. Robinson has had a diverse and distinguished legal career. After graduating from the prestigious Cornell Law School, he worked for two corporate law firms, concentrating almost exclusively on civil matters. In 1987, he shifted gears and joined the U.S. Attorney's Office for the Southern District of New York, where he represented the United States primarily in criminal trials.

In 1991, Mr. Robinson joined Kroll Associates, an international risk consulting company, serving as an advisor to the company on legal matters and conducting investigations for governments, corporations and law firms.

From 1993 to 1995, Mr. Robinson worked with the Federal Bureau of Investigation, providing advice and counsel to the FBI regarding various policy issues in both civil and criminal matters. Then in 1995, Mr. Robinson became counsel for Aetna U.S. Healthcare, where he provided advice to the internal audit, compliance and investigative services departments and was ultimately promoted to chief compliance officer.

In 1998, Mr. Robinson returned to public service as the U.S. Attorney for the District of Connecticut. He supervised over 50 lawyers in three offices and set policy and prosecution guidelines for all civil and criminal matters. Additionally, he coordinated the investigative strategy for Federal law enforcement agencies, while managing all aspects of the office's operations, including budget, personnel and press issues. For the past 2 years, he has worked with Empower New Haven, Inc., a nonprofit corporation.

Mr. Robinson's extensive experience in both the public and private sectors makes him amply qualified for judicial service. He possesses the qualifications, the capacity, and the temperament a judge needs to serve on the Federal bench.

The PRESIDING OFFICER. If all time is yielded, the question is, Will the Senate advise and consent to the nomination of Stephen C. Robinson, of New York, to be United States District Judge for the Southern District of New York?

Without objection, the nomination is confirmed.

NOMINATION OF P. KEVIN CASTEL, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK

The PRESIDING OFFICER. The clerk will report the next nomination.

The legislative clerk read the nomination of P. Kevin Castel, of New York, to be United States District Judge for the Southern District of New York.

Mr. HATCH. Madam President, I am pleased today to speak in support of P. Kevin Castel, who has been nominated to the United States District Court for the Southern District of New York.

Mr. Castel is a highly regarded litigator. Upon graduating from St. John's University School of Law in 1975, he clerked for Judge Kevin Duffy on the United States District Court for the Southern District of New York. Following his clerkship, he worked as an associate for Cahill Gordon & Reindel until 1983, when he was elevated to partner and where he remains today.

Mr. Castel has focused much of his professional career on complex commercial litigation, including securities, antitrust, intellectual property, employment and products liability cases. Furthermore, as president of the Federal Bar Council, he has written extensively on corporate litigation issues.

In addition to the Federal Bar Council, Mr. Castel holds leadership positions in other notable organizations, including the New York State Bar Association and the Legal Aid Society.

Mr. Castel will bring 20 years of legal experience and sharp acumen to the Federal bench. I urge my colleagues to join me in supporting his nomination.

The PRESIDING OFFICER. If all time is yielded, the question is, Will the Senate advise and consent to the nomination of P. Kevin Castel, of New York, to be United States District Judge for the Southern District of New York?

Without objection, the nomination is confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider these votes are laid on the table.

Under the previous order, the President will be immediately notified of the confirmation of these nominations.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004—Continued

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I ask unanimous consent to be allowed to speak for up to 5 minutes as if in morning business.

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

(The remarks of Mr. ALEXANDER pertaining to the introduction of S. 1628 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, what is the matter now before the Senate?

The PRESIDING OFFICER. H.R. 2691, the Interior appropriations bill, is now before the Senate.

Mr. REID. Mr. President, I am going to send an amendment to the desk. I have spoken with both leaders. I have not spoken with Senator BURNS. I have spoken through his staff to him. I have spoken, of course, to Senator DORGAN. I am sending this amendment to the desk with the understanding that we will not vote on it until after the caucus on Tuesday. The reason for that is this is a very important amendment for this side. We want to make sure we have the opportunity on Tuesday to speak on it, all 49 members of the Democratic caucus, prior to the vote.

AMENDMENT NO. 1731

(Purpose: To prohibit the use of funds for initiating any new competitive sourcing studies)

Mr. REID. Mr. President, I send an amendment to the desk not only on my behalf but on the behalf of Senators LIEBERMAN, LANDRIEU, KENNEDY, and MURRAY.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself, Mr. LIEBERMAN, Ms. LANDRIEU, Mr. KENNEDY, and Mrs. MURRAY, proposes an amendment numbered 1731:

On page 137, between lines 23 and 24, insert the following:

SEC. 3___. COMPETITIVE SOURCING STUDIES.

None of the funds made available by this Act shall be used to initiate any competitive sourcing studies after the date of enactment of this Act.

Mr. REID. Mr. President, this is a very short amendment, but it affects the lives of thousands and thousands of people who work for the Park Service. It affects the lives of every American who enjoys the great resources of our country.

The amendment I sent to the desk will stop this administration from moving forward to privatize our national parks, forest lands, and other public lands. It would nip the administration's ill-conceived privatization plan in the bud.

More specifically, this amendment prohibits the expenditure of funds on new outsourcing studies. These are privatization studies for the agencies funded in this bill. These agencies were created to protect special places in nature as a legacy for future generations. They should be managed for posterity and not managed for profit.

The House of Representatives has agreed that privatization is a bad idea. It included this language in the Interior appropriations bill that passed in July. The Nation's hard-working public servants who care for our forests and parks not only collect fees and maintain parks, but also give directions, fight wildfires, and help injured visitors.

Volunteers who love our public spaces provide tens of thousands of hours of work for these agencies every year. Will contractors receive volunteers? Will there be volunteers for these people who are working for profit in our national resources, our national treasures? It is very unlikely.

While the administration's plan has been marketed as a cost-saving measure, just the opposite is true. Privatization will waste taxpayer dollars. Privatization studies may cost as much as $8,000 per position studied. This means that next year, the agencies funded in this bill could waste as much as $26.4 million on these studies, studies for a wrongheaded idea that is bad for our parks, forests, the people who care for them, and the people who visit these parks.

Also, these contractors lack the knowledge of the sites that public servants possess. They are at the sites for one reason: Not people, but profit. I have nothing against profit motive. I think it is great selling cars, books, shoes, clothes—virtually everything. I certainly don't think it is a good idea to privatize our beautiful resources, our national treasures.

At a recreation area in Nevada, a contractor designed metal courtesy docks to be built in an area where temperatures reach up to 120 degrees in the summer. These docks would have burned visitors in the months when the docks were the busiest. The discarded design cost $21,000 in taxpayer money, and instead of building five courtesy docks as intended, the recreation area only had funding to build two docks.

Nevadans visiting our public places, Americans visiting our public places want professionals enriching their experience by directing them to famous sites and the best-kept secrets of our parks.

These are a few things people have written to me about on this subject. Zephyr Cove, NV, is in the Lake Tahoe region. It surrounds Lake Tahoe. This is not a public employee, but she says:

I'm one small voice, but I'm convinced that privatization of our National Park System would be another step to demolishing what little resources we have now and what we can hope to gain in the future to hold and treasure for future generations.

She says further:

Many of the Park Service personnel are neighbors and our friends. They care deeply about what they do. Their pay is relatively low for the expertise they have. They do it because they know the value of protecting our parks, wildlife habitats, and environment.

I do not know for sure if the administration's true agenda here is to undermine that commitment to our national parks, forests, and other public lands. I don't know that, but that is what many feel.

An editorial in The Tennessean believes that. Editorializing recently against this plan, the paper had this to say:

. . . privatizing the professionals on whom the parks depend to manage resources will rid the administration of those pesky folks who keep pointing out what harm has been done by President Bush's reckless environmental policies.

This is an editorial that was written in The Tennessean on August 29, 2003.

We have heard not only from newspapers around the country and people who don't work for the public entities, but we also heard from public custodians of our treasures. I am not going to use their names here, of course. They might somehow be harmed at work.

One public employee writes:

The depth and breadth of loyalty that is inherent to the average [public] employee cannot be contracted out.

And he is absolutely right. The public employees my amendment would honor share a lot in common with Members of this body, our staffs, our police, and others who work here. They, like us, sought their jobs to serve other people and to advance positive goals and ideals. It is that motivation and loyalty that cannot be outsourced no matter how much money we throw at studying it.

The privatizing concept, as set forth in The Tennessean, says it all:

. . . privatizing the professionals on whom the parks depend to manage resources will rid the administration of those pesky folks who keep pointing out what harm has been done by President Bush's reckless environmental policies.

Loyalty, public service, and dedication to our public lands cannot be outsourced. It cannot be privatized.

I hope people understand these great national parks we have. These are treasures. These national parks are the envy of the world. Nevada is fortunate, but we only have one national park. It is a wonderful place, Great Basin National Park, a very new national park. It is small by national park standards, about 80,000 acres. It has a 13,000-foot mountain on it, Wheeler Peak. It has a glacier. It has the oldest living thing in the world, a bristlecone pine.

These trees are over 5,000 years old. Think about that—trees that started

growing before Christ came to Earth. These trees were around the same time the pyramids came into existence. They are living things at the Great Basin National Park.

In our park, we have the Lehman Caves. Around the turn of the last century, a man who was a cowboy was out riding his horse and he suddenly found himself in a deep underground cavern. The horse, as far as I know, was not injured, but that was the beginning of a great odyssey for people to visit this magnificent part of nature, Lehman Caves, which is now in the Great Basin National Park.

We were fortunate enough a short time ago to be present at that facility when they dedicated the new visitors center. It is in a remote part of the State of Nevada, but it is a place that people from all over the world travel to because of its uniqueness.

Great Basin is only one of our many national parks. I was in Montana and Wyoming recently. I had the good fortune, after these many years, to once again visit Yellowstone National Park. I was only able to spend a couple of hours there, but it was a great experience.

I first went there shortly after my wife and I returned from law school in Washington. We traveled from Las Vegas on one of the first vacations we ever took. We could have gone anyplace our small budget at that time would handle, but we drove from Las Vegas to Yellowstone. I still look back with great awe at Old Faithful and the many other things we were able to see, the buffalos and other animals. So when I returned there, even though it was only for a few hours, the place I wanted to go visit again was Old Faithful.

Old Faithful spewed a few times during the time I was there. We took a walk through Geyser Park. We saw buffalo lying right near the geysers. The reason these great animals come and lie down near these spewing geysers is that, to a great extent, they keep the pests off themselves by doing so.

Even though I was there just a short time, it was wonderful again, after 25 years, to reflect back on my little children when they were tiny going there and visiting that park.

This experience I had was magnified on both occasions by virtue of the people who work there. They have nothing of which to be ashamed. They are Government employees who have dedicated their lives not to seeing how much money they can make but to being in the great outdoors, being part of nature.

I can remember the woman who took us on our walk through this little Geyser Park. She was an expert. She knew when every geyser was going to spew forth some water. She was able to tell stories about how people first discovered them. She is a woman who makes very little money but is talented, as a person in her position should be.

So on the two occasions I visited Yellowstone, my experiences were so much better as a result of the people who work there for the Federal Government—park rangers, other park employees.

I hope this Senate will respond overwhelmingly and support this amendment, as was done in the House.

The people who work in these parks are not Democrats. They are not Republicans. In the true sense of the word, this should not be a Democratic amendment. It should be an amendment that is supported by the Senate to protect these faithful employees of the Federal Government.

We are very fortunate in the State of Nevada to have a large presence of the Federal Government. I say fortunate because 87 percent of the land in the State of Nevada is owned by the Federal Government. Only 13 percent of Nevada is owned by individuals; the rest is Government land. The Bureau of Land Management's largest assets are in the State of Nevada.

In addition to the national forests and the park I have described, we have large parts of the State of Nevada, as I have indicated, that are controlled by the Bureau of Land Management. The employees who work for the BLM are just as dedicated as those people who work in our parks.

The forest rangers are also people who work so hard for so little return. I am convinced that if this is put out to the lowest bidder, we are going to have parks that are visited by people who recognize that these people are not there for any purpose other than somebody who got the contract and is trying to make a buck, someone who has gotten minimum-wage employees to get by with as little as possible.

We cannot let this go forward. It is a slap in the face to these loyal, dedicated public servants. It is a slap in the face of the American public. These Federal assets are owned by all of us, and all of us should have a say in how these parks are run. Renting them out to the lowest bidder is not the way to do it.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

Mr. REID. I ask unanimous consent that the pending amendment be set aside.

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

AMENDMENT NO. 1732

Mr. REID. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1732.

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

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

The amendment is as follows:

(Purpose: To authorize the Secretary of the Interior to acquire certain land located in Nye County, Nevada)

At the appropriate place, insert the following:

SEC. ____. ACQUISITION OF LAND IN NYE COUNTY, NEVADA.

(a) IN GENERAL.—The Secretary of the Interior may acquire by donation all right, title, and interest in and to the parcel of land (including improvements to the land) described in subsection (b).

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) is the parcel of land in Nye County, Nevada—

(1) consisting of not more than 15 acres;

(2) comprising a portion of Tract 37 located north of the center line of Nevada State Highway 374; and

(3) located in the E½NW¼, NW¼NE¼ sec. 22, T. 12 S., R. 46 E., Mount Diablo Base and Meridian.

(c) USE OF LAND.—The parcel of land acquired under subsection (a) shall be used by the Secretary of the Interior for the development, operation, and maintenance of administrative and visitor facilities for Death Valley National Park.

Mr. REID. Madam President, I ask unanimous consent that the pending amendment be set aside.

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

AMENDMENT NO. 1733

Mr. REID. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1733.

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

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

The amendment is as follows:

(Purpose: To provide for the conveyance of land to the city of Las Vegas, Nevada, for the construction of affordable housing for seniors)

On page 137, between lines 23 and 24, insert the following:

SEC. 3____. CONVEYANCE TO THE CITY OF LAS VEGAS, NEVADA.

Section 705(b) of the Clark County Conservation of Public Land and Natural Resources Act of 2002 (116 Stat. 2015) is amended by striking ''parcels of land'' and all that follows through the period at the end and inserting the following: ''parcel of land identified as 'Tract C' on the map and the approximately 10 acres of land in Clark County, Nevada, described as follows: in the NW¼ SE¼ SW¼ of section 28, T. 20 S., R. 60 E., Mount Diablo Base and Meridian.''.

Mr. REID. Madam President, before I turn the floor over to the distinguished Senator from West Virginia, I would simply like to say that upon completion of the last judge vote today, that means we have approved 151 judges during the little over 2½ years President Bush has been President. I think we

are doing remarkably good work for this President as relates to judges. The count is 151 to 3. That means there have been three judges who have been submitted to us we have not accepted.

President Reagan did not reach 150 judges until well into the fourth year of his first term. The first President Bush did not receive his 150th Federal judge until well into his fourth year. During President Clinton's second term, the term just preceding this administration, he did not appoint his 150th judge until his fourth year. So we are a year and a half—at least a year ahead of Reagan, first President Bush, and the second term of President Clinton.

So we have done extremely well. Senator LEAHY is to be commended for his ability to move these judges in conjunction with the distinguished Senator from Utah, the chairman, Senator HATCH.

The PRESIDING OFFICER. The Senator from West Virginia.

IRAQ

Mr. BYRD. Madam President, I rise today to voice my concern about the disastrous turn which the fortunes of this Nation have taken. The Bush administration, in a scant 2½ years, has imperiled our country in the gravest of ways, and set us up for a possible crisis of mammoth proportions. The crisis may not occur tomorrow in these proportions, or the next day, but it is coming.

Instead of linking arms with a world which offered its heart in sympathy after the brutality of the terrorist attacks in September of 2001, this White House, the Bush White House, through hubris and false bravado, has slapped away the hand of assistance. This administration has insulted our allies and our friends with its bullying and go-it-alone frenzy to attack the nation of Iraq.

In order to justify such an attack, it was decided somewhere in the White House to blur the images of Saddam Hussein and Osama bin Laden. Blurred images notwithstanding, what is becoming increasingly clear to many Americans is that they are going to be asked to carry a heavy, heavy load for a long, long time.

Let me be clear. We are presently engaged in not one war but two wars: The war begun by Osama bin Laden, who attacked this Nation on the September 11, 2001, and then there is the war begun by President George W. Bush when he directed U.S. forces to attack Iraq on March 19, 2003. The first war was thrust upon us. The bombing of Afghanistan was a just retaliation against that attack. The second war, on the other hand, was a war of our choosing. We chose it. It was an unnecessary attack upon a sovereign nation. This President and this administration have tried mightily to convince the people of America that attacking Iraq was critical to protecting them, the people of this country, from terrorism. The case that the administration makes is false, it is flimsy, and the war, I believe, was unwise and was unnecessary and was without ample justification.

The war against Iraq has crippled the global effort to counter terrorism. The war in Iraq has made a peace agreement between Israel and its adversaries harder to obtain. The obsession with Iraq has served to downplay the resurgence of the Taliban in Afghanistan. The focus on Saddam Hussein has diverted attention from bin Laden, who is apparently still on the loose and threatening to attack again. The war in Iraq has alienated our traditional allies and fractured the cohesive alliance against terrorism which existed after 9/11. It has made the United States appear to the world to be a bellicose invader of another country. It has called our motives into question. It has galvanized the worldwide terrorism movement against us. The war in Iraq has cost us lives and treasure. Yet this President will shortly request $87 billion more for his ill-fated adventure.

He says we will spend whatever it takes. So he says your money—it is your money. We have heard that many times. It is your money, and he says your money we will spend, whatever it takes.

Prudence dictates that we consider the risks. This Nation has suffered massive job losses amounting to 93,000 in August alone and approximately 600,000 since January of this year. Job losses of this magnitude mean less money coming into the Treasury and more money going out. U.S. manufacturing jobs continue to disappear overseas as companies relocate operations on other shores. There seems to be no end, thus far—there seems to be no end to the job hemorrhage. The manufacturing sector has lost jobs for 37 months in a row. The weak job market threatens to sap our strength from our domestic economy. Should inflation begin to creep up, as some worry that it will, higher energy costs and lower consumer confidence may slow the economy further.

Suppose another massive al-Qaida attack were to occur here at home, killing hundreds or thousands and delivering another devastating blow to the U.S. economy? Could we still afford to continue to send billions of taxpayer dollars to Iraq? At best, our future economic growth is uncertain. There are too many unknowns. Our deficit is growing. When the $87 billion 2004 Iraq Supplemental is included, as it probably will be, the deficit for 2004 alone is expected to total $535 billion.

That is $530 for every minute since Jesus Christ was born. That number will only grow, if we continue to experience massive job losses and the economy takes a turn for the worse.

We can ill afford to finance the rebuilding of Iraq alone. Yet President Bush steadfastly resists doing what it takes to involve the international community.

It should be obvious that we need assistance. The United States cannot even continue to supply the troops to secure Iraq without more help. A recent Congressional Budget Office study, which I requested, makes it clear that maintaining the level of troops we now have in Iraq will stretch us very thin should something happen in Korea or elsewhere on this troubled globe. Our National Guard is being asked to stay longer and longer in Iraq to help backfill the shortage in regular troops. These are men and women with jobs and families and key roles to play in their own communities. We cannot continue to utilize their skills in Iraq without suffering the consequences at home.

Even now, as a hurricane lurks off our shores, there are worries about shortages of emergency personnel because so many National Guard men and women are serving in Iraq.

But the Bush administration continues to spend our treasure and our troop strength in a single-focusd obsession with the fiasco in Iraq. Are we to mortgage the future of our Nation to years of financing this unwise adventure? Surely we cannot ask American families for sacrifice indefinitely, especially when their sacrifices are made to advance a war we do not need to fight, that we ought not to have gone overseas to fight. We chose to attack another country.

We must come to grips with our limits. We must acknowledge risks and reality.

Yet on last Sunday, Vice President CHENEY dug his heels in at the suggestion of rethinking our policy in Iraq. In a television interview, Vice President CHENEY said he saw no reason to ''think that the strategy is flawed or needs to be changed.''

He went on to try to convince the American public that Iraq was ''the geographic base'' for the perpetrators of 9/11. Think of that—a claim that this humble Senator has never heard before, and that flies in the face of U.S. intelligence agencies which repeatedly have said they have found no links—none—between the 9/11 attacks and Saddam Hussein or Iraq. We may come to rue the day when we took our eyes off bin Laden and sapped our energies and our credibility in this quagmire in Iraq. We chose to attack that country. Yet there seems to be no soul searching in this White House about the consequences of this war.

While Bush's aides talk of ''generational commitment'' and the President talks of ''sacrifice,'' I wonder if the American people fully comprehend what they are being urged to forego. They have already sacrificed loved ones with 158 troops killed and 856 wounded just since President Bush declared the end of major combat on May 1. How many more families must sacrifice? How many more families must sacrifice while we occupy Iraq?

The President says we will do whatever it takes. Mr. Rumsfeld says we will do whatever it takes. How many more families must sacrifice while we occupy Iraq?

A generation of ''sacrifice'' may also mean a slow sapping of key national priorities, including repairing the infrastructure which fuels our economic engine and funding the institutions and programs which benefit all Americans. Compare the latest request for the Iraq supplemental with the commitment in dollars to other vital programs, and the picture becomes more clear. President Bush is asking for $87 billion for Iraq but only $34.6 billion for Homeland Security—$29-plus billion—which will come to the Senate soon in a bill which was marked up today. The President wants $87 billion for Iraq but only $66.2 billion for the discretionary programs for the Department of Health and Human Services.

The President seeks $87 billion to secure Iraq but only $52.1 billion for the U.S. Department of Education. The President wants $87 billion to shore up Iraq but only $29.3 billion for America's highways and road construction.

For the State Department and foreign aid for the entire world, President Bush sees a need for only $27.4 billion. Yet Iraq is worth over three times that much to this White House.

Remember that $87 billion is just for 2004 alone. Does anyone really believe it will be the last request we will receive for Iraq? No. This is just the tip of the iceberg, in all likelihood.

The President asked America for a generation of ''sacrifice,'' but that noble-sounding word does not reveal the true nature of what the President demands from the American people. He asks them to supply the fighting men and women to prosecute his war.

Yes, he asked them, the American people, to supply the fighting men and women to prosecute his war. I am not talking about the war that began on September 11, 2001. That was an attack upon us by al-Qaida. I am talking about his war, the President's war in Iraq, which began in March of this year in which he, the Commander in Chief, ordered the attack on Iraq, a sovereign country that had not attacked us and which did not represent an imminent threat to the security of our country.

He implores our people to sacrifice adequate health care. He asks our people to settle for less than the best education for their children. Think about it. He asks our people, the American people, to sacrifice medical research that could prolong and save lives. He asks the American people to put up with unsafe highways and dangerous bridges. He asks them to live with substandard housing and foul water. He asks the American people to forego better public transportation and not just for now but for generations. And all of it for his folly in Iraq.

Most puzzling to this Senator is this President's stubborn refusal to guard against the terror threat at home by adequately funding Homeland Security. Is he asking us all to risk the safety of our homeland, too?

And to further insult the hard-working people of this Nation, George Walker Bush proposes to lay this sacrifice not only on the adult population of this great country but on their children and their grandchildren by increasing the deficit with nary a thought to the consequences.

Yet not a peep can be heard from this White House about paying for some of this sacrifice of which the President speaks by foregoing a portion of future tax cuts, tax cuts that mainly benefit those citizens who do not need so many of the services the Government has to provide.

Our reputation around the globe, America's reputation around the globe, has already been seriously damaged by this administration. Are the dreams and hopes of millions of Americans to be ''sacrificed'' as well on the altar, on the bloody altar, of Iraq?

I urge my colleagues to think long and hard about the growing quagmire in Iraq. I urge members of the President's own party to warn him about the quicksand he asks America to wade in. We need a long and thorough debate about the future of our country. We need a serious discussion about the kind of America we will leave to our children and grandchildren. We need to renew our efforts to negotiate a peace agreement between Israel and the Palestinians. Are we fighting a war in Iraq when pushing the peace might better serve our cause? We must think again about world-wide terrorism—and it comes in many forms and shapes—and the best way to combat it. Let us not continue to simply wage the wrong war, Mr. Bush's war in Iraq.

ANNIVERSARY OF THE SIGNING OF THE CONSTITUTION

Mr. BYRD. Mr. President, September 17 is a day of history in American calendar. On this day in 1630, the city of Boston was founded. On September 17, 1947, James V. Forrestal was sworn in as this Nation's first Secretary of Defense.

On September 17, 1920, the National Football league was formed in Canton, OH. On September 17, 1954, Ernie Banks became the first Black baseball player to wear a Chicago Cubs uniform. He was voted ''best player ever'' by Chicago fans when he retired in 1971. On September 17, 1984, Reggie Jackson hit his 500th career homer, seventeen years to the day after he hit his first major league home run.

On this day in 1911, the first transcontinental airplane flight took place between New York City and Pasadena, CA. It took pilot C.P. Rogers 82 hours to cover that distance. Just 65 years later, on September 17, 1976, the Space Shuttle was revealed to the public for the first time, ready to take men into the heavens. Such a lot of change in such a short period of time.

Last week, in another airplane related piece of history, the nation sadly observed the second anniversary of the tragic events of September 11, 2001. It was a terrible, terrible day, marked by the awful, abrupt end of too many innocent lives. September 17, 1862, was another terrible, terrible day. On that beautiful September day, over 23,000 men were killed, wounded, or missing in action after the Battle of Antietam, outside Sharpsburg, MD—just over the line from the eastern panhandle of West Virginia. That battle was a turning point in the Civil War.

But by far, one of the most important events in this Nation's history happened on the 17th of September, 1787. On that memorable day, the members of the Constitutional Convention signed the document that has led this Nation safely through the shoals of history for the past 216 years, surviving even the devastation of the Civil War. It was this document that I hold in my hand: the Constitution of the United States of America.

That Constitution was not our first attempt at self-governance. It followed on the heels of the Articles of Confederation, which was the first Constitution, correcting the failures of that weak Government by establishing a stronger central Government to manage the differences between the States and to provide for the common good. And then, to assuage the concerns of those citizens who feared that a strong central Government would trample on the rights of the individual, the Constitution was amended after ratification with the first 10 constitutional amendments, guaranteeing individual freedoms in what has become known as the American Bill of Rights.

The Constitution of the United States has, sadly, been overlooked by many in the public over the years. It is not a lofty piece of rhetoric like the better known Declaration of Independence. But the Constitution is the strongest piece of armor protecting the rights and the freedoms of each and every citizen—your rights, your rights, your rights, yes, your rights, and yours, and yours, and mine. It deserves to be better known. It is, after all, our manual for governance, our handbook of Government, the tech manual for our national operating system. And unlike many technical manuals, it is easy to read and to understand, even 216 years later.

This short document is blunt and straightforward. It starts with only a preamble and then gets right to the heart. In Article I, it sets forth the domain of the legislative branch and the qualifying requirements for us legislators. It does the same for the executive branch in Article II, laying out the procedure for selecting a President and stating what his domain and powers shall be. Then the judicial branch gets the same treatment, short and sweet, in Article III. Article IV sets out the States' rights and duties to the central Government and provides for the addition of new States. Article V, in a single paragraph, lays out the procedure for amending the Constitution. Article VI provides for the transfer of power from the Articles of Confederation to the new Constitution and makes the Constitution and the Federal laws the

supreme law—together with treaties—the supreme law of the land. Article VII provides the procedure for ratifying the Constitution.

There it is. There it is—a new Government in only seven articles. It takes more verbiage than that just to buy a house in these days.

The Constitution is an amazing product of compromise and balance, created by just a handful of delegates—55—in under 4 months. Many of the delegates' names should be familiar to most Americans, names such as George Washington, who presided over the Constitutional Convention, and James Madison, George Mason, Benjamin Franklin, and Alexander Hamilton. Other famous names were not present, such as Thomas Jefferson. He was not there. He was serving at the time as the Ambassador to France. Then there was John Adams, who was in London as the U.S. Ambassador. The details of the Convention of 1787 make fascinating reading.

The Convention met in closed session, but James Madison obtained permission to take notes on the debates. His notes, supplemented by the outlines or drafts of other delegates, were not published until 1840—4 years after his death. They outline the evolution of the document, showing competing alternatives and the compromises that allowed the large and small States, and all of the other conflicting interests, to reach agreement on a final document that all agreed could be ratified by the States.

The body in which I speak, and to which I have been elected time and time again by the people of West Virginia, the Senate, is the result of one such contentious debate that almost caused the Convention to adjourn.

I was talking with the pages just the other day, and we talked about the Great Compromise. I talk with these pages, the Republican pages and the Democratic pages. They change from time to time. They will be here perhaps for half a semester or a full semester or a few days. When we are out for a break, there will be a different group of pages. And we talk about history. These fine pages and I were just commenting the other day about the Great Compromise. I said, What do we mean by the phrase the ''Great Compromise''? Well, that is what I am referring to now.

At one point during the Convention, the Virginia plan called for the creation of a bicameral legislature, with each House's representation apportioned by population. This suited Virginia and other large States well but was opposed by small States that feared joining a Union so dominated by the larger States. The delegations from the small States argued that their citizens would never ratify a Constitution that did not recognize some form of State equality.

After 3 weeks of increasingly bitter debate, the delegates agreed to what has come to be known as the Great Compromise. The result of that compromise is the Congress that we know today—a lower House, chosen according to population, and with the sole authority to originate revenue bills; and an upper House, the Senate, in which each State has an equal vote.

Other compromises were necessary for the Convention to reach agreement, some less successful than that which led to the composition of the Congress, some positively inspired. The delegates deliberated over the power of the executive; they deliberated over interstate commerce; they deliberated over the subject of slavery—these among other topics.

A small but inspired compromise is contained in the Preamble. The Preamble to the Articles of Confederation named the States in geographic order from north to south. Without knowing which States would ratify the Constitution, and in what order, the delegates in Philadelphia were uncertain how to list the participating States.

So the answer was a graceful new opening: ''We the people of the United States . . . do ordain and establish this Constitution . . .'' without ever mentioning the States by name.

Every citizen should be familiar with the Constitution. We should each have a little radar system, an intuitive raising of the hairs along the back of one's neck, when attempts are made to flout the Constitution, either by design or out of misguided good intentions. I fear that this radar system is not functioning as well as it should be. When it fails, the checks and balances contained in our Constitution begin to rust and then begin to grind to a halt. When the Congress does not jealously guard its prerogatives against an overreaching executive, the executive branch gains strength from power that it should not have.

The Founders of this Nation worried about creating too strong an executive. They worried about creating a tyrant such as the one, George III, against whom they had fought a war for freedom. So they created a system where the people's direct representatives called the shots the Congress writes the laws, controls the funds, and approves the nominees for key executive posts. If all of those restraints failed, the President was subject to impeachment and trial by Congress.

But today, in our fears about national security and our national political system dominated by political party considerations, we face a situation in which Congress is being pressured to act as a rubber stamp for a strong-willed Executive. We have seen this happen with respect to various and sundry executives some Democratic, some Republican. But in this instance, in the aftermath of September 11, 2001, there was a stampede to do something, anything, to avenge this vile attack on our citizens. The Congress did not seriously debate or consider the long term consequences of the call to action, and apparently, neither did the White House. We rushed into war without a real declaration of war. Instead, Congress passed a resolution giving the President sweeping powers to take such action as he saw fit, including military action, in that region. As a result, our military is over-extended and committed to long-term nation-building efforts in Iraq and, to a degree, in Afghanistan. Members of Congress are labeled ''unpatriotic'' if Members question—even question—any request for additional funds for those efforts.

At the same time, political party pressures were applied to pass expensive ''temporary'' tax cuts theoretically aimed at restarting a sluggish economy. The long-term impact on the deficit will hamstring the Nation for years to come. Congress should know better. This Senate should know better. Those of us who have been around for a while can recall the tremendous effort—and compromise—needed to achieve deficit control in the late 1980s and early 1990s. We can recall all of the hard, hard decisions that had to be made to bring the deficit under control. Did we really forget all of that in those few short years of surplus? Well, if we did forget that lesson from history, I fear we are doomed to repeat it, and we struggle to bring these even larger deficits under control.

The time is long past for Members of Congress to reassert the authorities granted to them in the Constitution. A citizenry familiar with their Constitution should demand it. We are, after all, ''. . . bound by oath or affirmation to support this Constitution . . .'' in Article VI, if we take the time to read it that far.

In his Farewell Address, delivered to his cabinet on, fortuitously enough, September 17, 1796, George Washington made this observation:

> . . . [Y]ou have improved upon your first essay by the adoption of a Constitution of government better calculated than your former for an intimate union and for the efficacious management of your common concerns. This government, the offspring of your own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence with its measures, are duties enjoined by the fundamental maxims of true liberty.

Our Constitution is the foundation of our liberties, and we must be its guardians.

I would like to close with a poem by Henry Wadsworth Longfellow, entitled ''O Ship of State.''

Thou, too, sail on, O Ship of State!
Sail on, O Union, strong and great!
Humanity with all its fears,
With all the hopes of future years,
Is hanging breathless on thy fate!
We know what Master laid thy keel,
What Workmen wrought thy ribs of steel,
Who made each mast, and sail, and rope,
What anvils rang, what hammers beat,
In what a forge and what a heat

Were shaped the anchors of thy hope!
Fear not each sudden sound and shock,
'Tis of the wave and not the rock;
'Tis but the flapping of the sail,
And not a rent made by the gale!
In spite of rock and tempest's roar,
In spite of false lights on the shore,
Sail on, nor fear to breast the sea!
Our hearts, our hopes, are all with thee.
Our hearts, our hopes, our prayers, our tears,
Our faith triumphant o'er our fears,
Are all with thee, -are all with thee!

I yield the floor and suggest absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1734

Mr. DASCHLE. Madam President, I ask unanimous consent that the pending amendment be set aside, and I send an amendment to the desk.

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

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE] proposes an amendment numbered 1734.

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

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

The amendment is as follows:

(Purpose: To provide additional funds for clinical services to the Indian Health Service, with an offset)

On page 88, beginning on line 17, strike "$2,546,524,000" and all that follows through "*Provided*" on line 20, and insert the following: "$2,838,524,000, together with payments received during the fiscal year pursuant to section 231(b) of the Public Health Service Act (42 U.S.C. 238(b)) for services furnished by the Indian Health Service, of which $2,329,414,000 shall be available for clinical services: *Provided*, That section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended by striking 'September 30, 2003' and inserting 'September 30, 2004': *Provided further*".

Mr. DASCHLE. Madam President, once again I come to the floor to bring to the attention of the Senate the critical shortfall in funding for the Indian Health Service. Through treaties and Federal statute, the Federal Government has promised to provide health care to American Indians and Alaskan Natives. Sadly, we have not even come close to honoring this commitment.

The Indian Health Service is the only source of health care for many Indians and is required to provide it, yet funding has never been adequate.

The chronic underfunding has only grown worse in recent years, as appropriations have failed to keep up with the steep rise in private health care spending.

Last March, we offered an amendment to the budget resolution to provide $2.9 billion to the Indian Health Service for the budget for the fiscal year 2004. Our amendment would not have met all of the health care needs in Indian country, not by far, but it would have provided enough room in the budget to fund basic clinical health care services for American Indians and Alaskan Natives.

Unfortunately, that amendment was defeated by a vote of 48 to 51, on a party-line vote.

The Republican leadership made a counteroffer. They proposed an amendment to increase IHS funding next year by $292 million, one-tenth of what our amendment called for. The Senate adopted that amendment.

Since then, two important reports have been released.

In July, the U.S. Commission on Civil Rights released a report documenting shocking health care disparities between Indians and other Americans. In August, the U.S. Centers for Disease Control issued a report showing that Native Americans live sicker and die younger than other Americans as a result of inadequate health care.

Another important thing happened since the Senate voted last March to add $292 million to the Indian Health Service's budget next year. Our colleagues on the other side agreed in conference to kill that funding increase. I am now offering an amendment that simply does what the Senate is on record having supported last March.

The amendment would restore the $292 million increase for the Indian Health Service that this Senate supported overwhelmingly last March.

The Civil Rights Commission report compared health care funding for Native Americans to that for other groups for which the Federal Government has direct responsibility for health care. The report compared per capita health expenditures for 2003 by category.

This chart describes in detail the comparison, I would say in somewhat embarrassing detail when you look at where we are. For the general U.S. population on an annual per capita basis, about $5,000 is spent. We spend in the VA a little more than what we spend on a national per capita basis, $5,214. For understandable reasons, seniors generate more expense, and the per capita cost for Medicare is $5,915. Medicaid drops somewhat below, about $2,000 or $1,500 below what we spend for the general population. Prisoners actually do almost as well as Medicare beneficiaries with $3,803 for Federal prisoners and $3,879 for Medicare.

Look where we are for the Indian Health Service clinical services per capita spending, $1,914, well below what we pay for Federal prisoners; about half, frankly, of what it is we pay for prisoners today. This is what the Indian population gets per capita, this is what Federal prisoners get per capita: $3,800 to $1,900.

I have to say that I don't know what clearer message we could send than that if we only spend per capita half for the Native American and Alaska population than what we spend for Federal prisoners in this country.

This funding is obviously woefully inadequate to meet the health care needs of Native Americans who, as I already noted, have a lower life expectancy than other Americans and a disproportionate number of serious medical problems. Indians have the highest rates of diabetes in the country, the highest rates of heart disease, the highest rates of sudden infant death syndrome, the highest rates of tuberculosis. There is also a great need for substance abuse and mental health services.

So while they have the greatest need, the greatest incidence of these extraordinarily difficult health problems, they have one-half the resources of what we commit to our Federal prisoners.

Native Americans are often denied care most of us take for granted, and in many cases would even consider essential. They are often required to endure long waits before seeing a doctor and may be unable to obtain a referral to see a specialist. Sometimes lack of funds means care is postponed until Indians are literally at risk of losing their lives or their limbs. Others receive no care at all.

I will never forget talking to a man who is now a tribal leader from the Yankton reservation. He told me he was hunting and he stepped in a hole. This was before he was elected. He stepped in a badger hole or one of the holes in the field as he was hunting. He broke his leg, went to the hospital, and they said there was nothing they could do. They told him to come back. He came back the next day. They said there was nothing they could do. They said, we do not know when we can help you. You may need to go somewhere else.

Well, he was in such pain that he ended up lying in bed for close to 6 months and healed without any help whatsoever.

Today he walks with a limp, he has deep scars on his leg, and he considers himself lucky, lucky because he can walk again. That is happening today in America, and I think that is so intolerable, so unacceptable, so contrary to the commitment we made to Native American people. This is rationing at its worst. Rationing of care means all too often Indians are forced to wait until their medical condition becomes even more serious and more difficult to treat. It is a situation none of us would find acceptable, but this is the reality in Indian country.

Right now, the IHS service unit at Eagle Butte in South Dakota does not have an obstetrician. The Eagle Butte service unit is funded at 44 percent of the need calculated by the Indian Health Service. The facility has a birthing room and 22 beds, but there are only 2 to 3 doctors to staff the clinic, hospital, and emergency room.

Naturally, as a result, many children and expectant mothers do not receive

the care they need and deserve. Due to budget constraints, the IHS policy is to allow only one ultrasound per pregnancy. The visiting obstetrician is available only every couple of weeks.

The story of Brayden Robert Thompson points out how dangerous this situation is. On March 3, 2002, Brayden's mother was in labor with a full-term, perfectly healthy baby. Brayden's umbilical cord was wrapped around his neck, but without ultrasound that went undetected. The available medical staff did not know what to do about his lowered heartbeat, abnormal urinalysis, or the fact his mother was not feeling well. Despite the symptoms, IHS refused to provide an ultrasound or to send her to Pierre, which is the closest city off the reservation, to see an obstetrician. Brayden was stillborn.

This tragic death was completely preventable, but tough choices are being made every single day at IHS facilities throughout the country because there simply is not enough money to provide the care every American deserves.

I received a letter not long ago from Michelle German about her daughter Brittany.

This is Brittany. I have the letter, and I will read portions of it. Michelle writes:

> My daughter Brittany is thirteen years old and for the last couple of years has suffered from a skin disorder called polymorphous light erosion/eruption, which basically means she is allergic to UV rays (the sun). We had visited many doctors, at the Sisseton Indian Health Service and the Coteau des Prairie Clinic (also located in Sisseton) before being referred to a dermatologist in Fargo. . . .The Indian Health Service denied our request for a referral due to the lack of funding, but I find this very ironic because I had my own insurance. However, I was told that her condition has already been diagnosed, it is not life threatening and that the Indian Health Services were not going to be responsible for any debt that my insurance would not cover. Since this had all taken place, I had lost my job and my insurance. I find it frustrating that we were over income to qualify for Medicaid or the CHIPS program through the State of South Dakota!
>
> To make a long story a little shorter, we have been doctoring back at the Indian Health Service and now we are battling the pharmacy because it does not carry the medication that has been prescribed to her by the dermatologist. Brittany has been [on] various medications throughout her clinic visits at the Indian Health Service without success. The prescribed medications, that are working, are not available through the Indian Health Pharmacy and I have been purchasing it from our local drug store in the amount of forty-five dollars per forty-five gram tube.
>
> Brittany has gone through quite an ordeal because of the question ''what is the matter with your face?'' and now it is on her arms and legs which are beginning to scar due to the scratching. She has been limited to being kept indoors from the hours of 10 a.m. to 3 p.m. to prevent any outbreaks and the itchiness that follows. This is very hard for both of us because she is a very active teenager who enjoys playing golf, softball and swimming. We have had to change the type of clothing worn in the summer, the bathing soaps and lotions; she is now required to wear sunscreen and lip screen throughout her time outside. . . .
>
> I could go on, . . . but I think you get the idea. I have attached a picture of my daughter when the skin rash started on her face for your review.

I hope this helps explain her story. We have case after case. This may not be life-threatening. But Brittany is not able to get the help she needs, the attention she needs, the treatment she needs, in large measure because IHS has said in her case they do not see a life-threatening problem.

This is not solely an Indian issue. It affects surrounding rural community hospitals, ambulance services, and other health care providers who work with the IHS.

The Lake Andes-Wagner ambulance district in southeastern South Dakota is facing financial disaster, in part because they have not been reimbursed properly by the Indian Health Service. This ambulance service offers emergency transport for citizens of Charles Mix County and Yankton Sioux tribal members, since the Wagner IHS hospital cannot afford to operate its own service. If this ambulance service shuts down, what will these residents, Indian or non-Indian, do when they face an emergency?

Bennett County Hospital in southwestern South Dakota suffers similar IHS reimbursement problems, as do others in the non-IHS areas throughout rural America.

In his budget request for the next fiscal year, the President requested only $1.9 billion for clinical services for Indians. This represents a very small increase over what the President requested for fiscal year 2003 and no increase over what was finally included in the omnibus appropriations bill. We can and we must do better.

The amendment I am proposing again would increase funding for clinical services by a mere $292 million. I would like to say that this is the minimum amount that is necessary to provide basic health care to the current IHS user population, but I can't say that. The minimum amount necessary is an additional $2.9 billion, and this is one-tenth of that amount.

Today, I am asking the Senate to live up to the commitment it made last March, to make that extremely modest $292 million increase real by including it in this appropriations bill. It is nowhere near enough, and it is sorely needed to address the severe funding shortfall the Indian Health Service faces.

The cost of the amendment is offset by revenue raised from an extension of the customs user fee that will otherwise expire on September 30. We all agree the extension is inevitable. This will require only a small portion of those funds, and I can think of no better use for the money.

Native Americans are facing a literal ''life or limb'' test before they can access health care today. We are spending twice as much per capita on Federal prisoners' health than on the health care for the Indians to whom we promised full health benefits. We simply cannot tolerate this. The problem is real. The solution is simple. We must start giving the Indian Health Service the funds it needs to provide Native Americans the health benefits they were promised.

Let's take this modest step toward that end.

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. CHAMBLISS. Mr. President, I ask unanimous consent to proceed as if in morning business.

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

The Senator from Georgia.

(The remarks of Mr. CHAMBLISS pertaining to the introduction of S. 1635 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business.

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

PESTICIDE REGISTRATION APPLICATIONS

Mr. COCHRAN. Mr. President, I ask unanimous consent to have printed in the RECORD a chart outlining the proposed decision time review periods for various categories of pesticide registration applications submitted to the Environmental Protection Agency.

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

Pesticide Fee Categories

	A	B	C	D	E	F	G	H
1			Decision Times (months)					
2	Div.	Action /1/	FY04	FY05	FY06	FY07	FY08	Fee
3	BPPD	New ai, food use, microbial/biochemical, w/tolerance /2/	18	18	18	18	18	$40,000
4	BPPD	New ai, food use, microbial/biochemical, w/exemption /2/	16	16	16	16	16	$25,000
5	BPPD	New ai, non-food use, microbial/biochemical /2/	12	12	12	12	12	$15,000
6	BPPD	EUP, food use; microbial/biochemical, w/temp. tol. exemp.	9	9	9	9	9	$10,000
7	BPPD	EUP, non-food use, microbial/biochemical	6	6	6	6	6	$5,000
8	BPPD	New use, first food use, microbial/biochemical, w/exemption	12	12	12	12	12	$10,000
9	BPPD	New use, first food use, microbial/biochemical, w/tolerance /2/	18	18	18	18	18	$15,000
10	BPPD	New use, non-food, microbial/biochemical	6	6	6	6	6	$5,000
11	BPPD	New product, me-too, fast track, microbial/biochemical	3	3	3	3	3	$1,000
12	BPPD	New product, non-fast track, microbial/biochemical	6	6	4	4	4	$4,000
13	BPPD	Amendment, non-fast track, microbial/biochemical /3/	6	6	4	4	4	$4,000
14	BPPD	SCLP, new ai, food use or non-food use /2/	6	6	6	6	6	$2,000
15	BPPD	SCLP, EUP (new ai or new use)	6	6	6	6	6	$1,000
16	BPPD	SCLP, new product, me-too, fast track	3	3	3	3	3	$1,000
17	BPPD	SCLP, new product, non-fast track	6	6	4	4	4	$1,000
18	BPPD	SCLP, amendment, non-fast track /3/	6	6	4	4	4	$1,000
19	BPPD	PIP, EUP, non-food/feed or crop destruct, no SAP (submitted before new ai package, $25K credit toward new ai registration)	12	12	6	6	6	$75,000
20	BPPD	PIP, EUP, set temp. tolerance/exemption, no SAP (submitted before new ai package, $50K credit toward new ai registration)	12	12	9	9	9	$100,000
21	BPPD	PIP, EUP, new ai, non-food/feed or crop destruct, SAP required (submitted before new ai package, $75K credit toward new ai registration)	15	15	12	12	12	$125,000
22	BPPD	PIP, EUP, new ai, set temp. tolerance/exemption, SAP required (submitted before new ai package, $100K credit toward new ai registration)	18	18	15	15	15	$150,000
23	BPPD	PIP, register new ai, non-food/feed, no SAP	18	18	12	12	12	$125,000
24	BPPD	PIP, register new ai, non-food/feed, SAP required	24	24	18	18	18	$225,000
25	BPPD	PIP, register new ai, temp. tolerance/exemption exists, no SAP	18	18	12	12	12	$200,000
26	BPPD	PIP, register new ai, temp. tolerance/exemption exists, SAP required	24	24	18	18	18	$300,000
27	BPPD	PIP, register new ai, set tolerance/exemption, no SAP	21	21	15	15	15	$250,000
28	BPPD	PIP, register new ai, with EUP request, set tolerance/exemption, no SAP	21	21	15	15	15	$300,000
29	BPPD	PIP, register new ai, set tolerance/exemption, SAP required	24	24	21	21	21	$350,000
30	BPPD	PIP, register new ai, with EUP request, set tolerance/exemption, SAP required	24	24	21	21	21	$400,000
31	BPPD	EUP, food use, PIP, amendment /3/	6	6	6	6	6	$10,000
32	BPPD	PIP, new use /4/	9	9	9	9	9	$30,000
33	BPPD	PIP, new product /5/	12	12	9	9	9	$25,000
34	BPPD	PIP, amendment, seed production to commercial registration	15	15	12	9	9	$50,000
35	BPPD	PIP, amendment, non-fast track (except 34 above) /3/	6	6	6	6	6	$10,000
36	AD	New ai, food use, exemption /2/	35	24	24	24	24	$90,000
37	AD	New ai, food use, tolerance /2/	35	24	24	24	24	$150,000
38	AD	New ai, non-food use, outdoor, FIFRA §2(mm) uses /2/	FIFRA §3(h) decision times					$75,000
39	AD	New ai, non-food use, outdoor, other uses /2/	31	21	21	21	21	$150,000
40	AD	New ai, non-food use, indoor, FIFRA §2(mm) uses /2/	FIFRA §3(h) decision times					$50,000
41	AD	New ai, non-food use, indoor, other uses /2/	29	20	20	20	20	$75,000
42	AD	New use, first food, exemption /2/	29	21	21	21	21	$25,000
43	AD	New use, first food, tolerance /2/	29	21	21	21	21	$75,000
44	AD	New use, food, exemption	24	15	15	15	15	$10,000
45	AD	New use, food, tolerance	24	15	15	15	15	$25,000
46	AD	New use, non-food, outdoor, FIFRA §2(mm) uses	FIFRA §3(h) decision times					$15,000

	A	B	C	D	E	F	G	H
1			Decision Times (months)					
2	Div.	Action /1/	FY04	FY05	FY06	FY07	FY08	Fee
47	AD	New use, non-food, outdoor, other uses	24	15	15	15	15	$25,000
48	AD	New use, non-food, indoor, FIFRA §2(mm) uses	FIFRA §3(h) decision times					$10,000
49	AD	New use, non-food, indoor, other uses	20	12	12	12	12	$10,000
50	AD	EUP	9	9	9	9	9	$5,000
51	AD	New product, me-too, fast track	3	3	3	3	3	$1,000
52	AD	New product, non-fast track, FIFRA §2(mm) uses	FIFRA §3(h) decision times					$4,000
53	AD	New product, non-fast track, other uses	8	6	6	6	6	$4,000
54	AD	New manufacturing-use product, old ai, selective citation	24	18	12	12	12	$15,000
55	AD	Amendment, non-fast track /3/	6	4	4	4	4	$3,000
56	RD	New ai, food use /2/	38	34	24	24	24	$475,000
57	RD	New ai, food use, reduced risk /2/	32	26	21	21	21	$475,000
58	RD	New ai, food use, with EUP request (decision time for EUP and temp tolerance same as below) /2/	38	34	24	24	24	$525,000
59	RD	New ai, food use, EUP, set temp. tolerance, (submitted before new ai package; $300K credited toward new ai registration)	32	28	18	18	18	$350,000
60	RD	New ai, food use, submitted post-EUP (decision time begins after EUP and temp. tolerance are granted) /2/	28	24	14	14	14	$175,000
61	RD	New ai, non-food use, outdoor /2/	32	28	21	21	21	$330,000
62	RD	New ai, non-food use, outdoor, reduced risk /2/	26	22	18	18	18	$330,000
63	RD	New ai, non-food use, outdoor, with EUP request (decision time for EUP same as below) /2/	32	28	21	21	21	$365,000
64	RD	New ai, non-food use, outdoor, EUP (submitted before complete new ai package, $210K credited toward new ai	27	23	16	16	16	$245,000
65	RD	New ai, non-food use, outdoor, submitted post-EUP (decision time begins after EUP has been granted) /2/	24	20	12	12	12	$120,000
66	RD	New ai, non-food use, indoor /2/	30	26	20	20	20	$190,000
67	RD	New ai, non-food use, indoor, reduced risk /2/	26	22	17	17	17	$190,000
68	RD	First food use, indoor food/food handling /2/	30	24	21	21	21	$150,000
69	RD	New use, indoor food/food handling	30	24	21	15	15	$35,000
70	RD	New use, first food use /2/	32	26	21	21	21	$200,000
71	RD	New use, first food use, reduced risk /2/	28	22	18	18	18	$200,000
72	RD	New food use, each	38	30	22	15	15	$50,000
73	RD	New food use, reduced risk, each	36	28	20	12	12	$50,000
74	RD	New food uses, bundled, 6 or more	38	30	22	15	15	$300,000
75	RD	New food uses, reduced risk, bundled, 6 or more	36	28	20	12	12	$300,000
76	RD	New food use, EUP, temp tolerance (no credit toward new use registration)	35	27	19	12	12	$37,000
77	RD	New food use, EUP, crop destruct	8	8	6	6	6	$15,000
78	RD	New use, non-food, outdoor	28	24	20	15	15	$20,000
79	RD	New use, non-food, outdoor, reduced risk	26	22	18	12	12	$20,000
80	RD	New use, non-food, outdoor, EUP (no credit toward new use registration)	8	8	6	6	6	$15,000
81	RD	New use, non-food, indoor	24	18	12	12	12	$10,000
82	RD	New use, non-food, indoor, reduced risk	22	16	9	9	9	$10,000
83	RD	Import tolerance, new ai or first food use /2/	38	30	21	21	21	$250,000
84	RD	Import tolerance, new food use	38	30	22	15	15	$50,000
85	RD	New product, me-too, fast track	3	3	3	3	3	$1,000
86	RD	New product, non-fast track (includes reviews of product chemistry, acute toxicity, public health pest efficacy)	10	8	6	6	6	$4,000
87	RD	New product, non-fast track, new physical form (excludes selective citations)	16	14	12	12	12	$10,000
88	RD	New manufacturing-use product, old ai, selective citation	24	18	12	12	12	$15,000

	A	B	C	D	E	F	G	H
1			Decision Times (months)					
2	Div.	Action /1/	FY04	FY05	FY06	FY07	FY08	Fee
89	RD	Amendment, non-fast track, (includes changes to precautionary label statements, source changes to an unregistered source) /3/	6	5	4	4	4	$3,000
90	RD	amendment, non-fast track (changes to REI, PPE, PHI, rate & no. of applications; add aerial application; modify GW/SW advisory statement) /3/	20	16	12	8	8	$10,000
91	RD	Amendment, non-fast track, isomers	22	20	18	18	18	$240,000
92	RD	Cancer reassessment, applicant-initiated	22	20	18	18	18	$150,000

93

94 /1/ Abbreviations: AD = Antimicrobial Division; ai = active ingredient; BPPD = Biopesticide and Pollution Prevention Division; EUP = experimental use permit; fast track = qualifies for expedited processing under FIFRA §3(c)(3)(B)(i)(I); me-too = new product registration of already registered active ingredient; GW/SW = ground water/surface water; PHI = pre-harvest interval; PIP = plant-incorporated protectant; PPE = personal protective equipment; RD = Registration Division; REI = restricted entry interval; SAP = FIFRA Science Advisory Panel meeting; SCLP = straight-chain lepidopteran pheromone.

95 /2/ All uses (food and non-food) included in any orginal application or petition for a new active ingredient or a first food use are covered by the base fee for that application.

96 /3/ EPA-initiated amendments shall not be charged fees.

102 /4/ Example: transfer of existing PIP trait by traditional breeding, such as from field corn to sweet corn.

103 /5/ Example: stacking PIP traits within a crop using traditional breeding techniques.

THIRD ANNIVERSARY OF THE MURDER OF UKRAINIAN GEORGIY GONGADZE

Mr. LEVIN. Mr. President, the nation of Ukraine recently celebrated the 12th anniversary of its independence from the former Soviet Union. This milestone, gained after decades under Soviet repression, is a notable achievement that bears witness to humanity's inextinguishable and universal desire for liberty and freedom. Twelve years after its independence, much has been achieved, yet much work remains to be done before Ukraine is able to fulfill its considerable promise and fully join the Euro-Atlantic community of nations that find unity through their commitment to democracy and a steadfast adherence to the rule of law.

Yesterday also marked the third anniversary of the disappearance and murder of Ukrainian journalist Georgiy Gongadze. This anniversary casts a pall over Ukrainian society and underscores the problems it faces as it seeks to reform its domestic political situation. The editor of an internet newspaper, Ukrainska Pravda Ukrainian Truth—Gongadze reported widely on corruption within highest circles of Ukrainian society. He was an outspoken critic of corruption, and his decision to create an internet news journal was done in part to avoid some of the censorship and intimidation imposed upon journalists in Ukraine who routinely have their papers seized, presses damaged, and lives threatened by government officials.

However, Gongadze's actions did not escape official notice. Nothing done by members of the fourth estate is going unnoticed in a nation that Reporters Without Frontiers ranked 112th in its rating of worldwide media freedom. After Gongadze's disappearance, tapes secretly recorded by Mykola Melnychenko, a former bodyguard for President Leonid Kuchma, documented plans by President Kuchma and other government officials to dispose of Gongadze by a variety of means including ''selling him to the Chechens.''

Since his disappearance 3 years ago, little headway has been made into the investigation of his murder. Ukrainian officials have hindered efforts by the FBI to examine evidence, court documents have been forged and a witness in the case recently died while in police custody. Delays into this investigation and the lack of transparency with which it has been conducted undermine the reputation of Ukraine and hinders its relationship with the United States, the European Union, and NATO.

Much has been made of Ukraine's contribution to Operation Iraq Freedom. Currently, a brigade of Ukrainian soldiers are on the ground in Iraq, and this contribution is greatly appreciated. Yet such assistance, coupled with military reform, should not be seen as a quid pro quo for a lack of reform on Ukraine's domestic front. Unification with the Euro-Atlantic community is not merely a geopolitical or bureaucratic decision. Ukraine must continue efforts to develop and implement a responsive and transparent rule-based system of law before it is fully able to from the West.

The conduct of the October 2004 Presidential elections in Ukraine will be watched closely by the international community. Free and fair elections, regardless of their final outcome, will be an important step toward Ukraine's rapproachment with the community of nations. This election will be vital not for its outcome, but for the process by which it is conducted. It is my hope that the October 2004 elections will aid Ukraine's transformation from a nation where fear undermines public discourse into a nation where all facets of society can freely engage in the market-place of ideas without fear of recrimination. Only in such a society will we be able to learn the truth surrounding the disappearance and murder of Georgiy Gongadze. His family and the Ukrainian people deserve no less.

TRIBUTE TO MARVIN ''SONNY'' ELIOT

Mr. LEVIN. Mr. President, today I have the honor of recognizing a great American and Michigander, Marvin ''Sonny'' Eliot. Sonny was born and raised in my hometown of Detroit. He is well known as a popular TV and radio weatherman, with a career spanning 57 years. However, equally as impressive as his broadcasting career is his aviation and military career.

Sonny had always wanted to fly planes. While in high school, he commuted across town to take a special aviation course at another school. Sonny did so well on the final exam that he was awarded flying lessons, which led to his pilot's license in 1940. After high school, Sonny attended Wayne State University. Before finishing a degree program, he decided to enlist in the U.S. Army Air Corps.

Following his training in the Air Corps, Sonny was shipped to Wendling, England, where he flew B–24's as part of the 392nd Heavy Bomber Group. During World War II, Sonny was shot down over Gotha, Germany on his 16th mission. Subsequently, he was captured by the Nazis and spent 16 months as a Prisoner of War in Germany, 14 of which were in the prison camp Stalag Luft I. Due to his valor and loyalty in the service, Sonny earned the Distinguished Flying Cross, Air Medal, and Purple Heart. In addition, he received the Presidential Unit Citation with all the members of the 392nd Heavy Bomber Group for carrying out one of the most vital air strikes of the aerial attacks of the war.

After returning from Europe in 1945, Sonny continued his studies at Wayne State University where he earned a B.A. in English and an M.A. in Mass Communication and began his career in broadcasting. He has spent almost six decades on Detroit's airwaves with WWJ Radio and Channels 2 and 4 television, best known as a personable and humorous weatherman. In fact, his witty weather reports have been named the nation's best by the National Association of TV Program Executives.

Nevertheless, his interest in aviation never faded. While at Channel 4 TV and WWJ, Sonny won numerous news media awards for promotion and public awareness of aviation. In addition, he continues to fly and has accumulated more than 7,500 hours. Sonny holds the rank of colonel in the U.S. Air Force Reserve and was named the Air Force liaison for the 1st Congressional District. In October 2001, as a result of his lifelong commitment to aviation, he was enshrined into the Michigan Aviation Hall of Fame.

Currently, Sonny can be heard on WWJ-AM 950 with his easy-to-understand weathercasts. I am pleased to join my colleagues in the Senate in saluting Marvin ''Sonny'' Eliot's lifetime full of contributions to his country and the state of Michigan. I wish him continued success in the future.

NEGOTIATION OF A U.S.-CENTRAL AMERICAN FREE TRADE AGREEMENT

Mr. BAUCUS. Mr. President, I rise today to address the ongoing negotiations for a United States-Central America Free Trade Agreement—also known as the ''CAFTA.''

These negotiations present a couple of unique challenges.

First, most of the CAFTA countries are less developed, both economically and politically, than Mexico, Chile, or any of our other FTA partners. This presents challenges to the abilities of the Central American countries—both to negotiate a comprehensive set of commitments and to implement them effectively.

Second, these negotiations are on an accelerated schedule. They started in January 2003 and are set to conclude by the end of this year. The limited trade negotiating capacities of the CAFTA countries makes this an ambitious goal.

Third, several of the CAFTA countries played a less than constructive role at the WTO Cancun Ministerial. Their participation in the G–21 and the role of that group in precipitating the meeting's collapse raises serious questions about their commitment to trade liberalization.

I support comprehensive free trade agreements that create sound market access rules and meaningful commercial opportunities for American farmers, workers, and businesses. And I support, in principle, the goal of reaching such an agreement with the five CAFTA countries.

But we need to be realistic. A CAFTA agreement will be politically difficult here—much more so than the recently passed free trade agreements with Singapore and Chile. The issues it raises will be challenging on both sides of the aisle.

Next year's vote on CAFTA will also set the stage for the many free trade agreements that are lining up to pass through Congress: Morocco, Australia, the Dominican Republic, South Africa, Bahrain. The list just keeps growing.

To keep our trade agenda moving forward, we need a CAFTA that can pass with a large majority. If CAFTA sours the Congress on FTAs we are in for real trouble.

With only 4 months left in the negotiations, time is running short. But there is still time enough to push the CAFTA negotiations in the right direction. We can do that by addressing three principal concerns:

First, there needs to be a clear acknowledgment by our negotiators that CAFTA presents different challenges than other agreements. These countries have different political, legal, and social structures, and different economies, than any of our existing FTA partners.

We cannot simply table the Singapore and Chile texts and say we are done. Not for market access or agriculture. Not for services and intellectual property. Not for environment or labor. One size does not fit all.

Second, we need to make sure that this agreement is comprehensive. Taken together, the CAFTA countries are about our 18th largest trading partner. They account for one percent of U.S. trade. So the commercial benefits from this agreement will be modest at best.

Absent significant commercial gains, the only way to ''sell'' the CAFTA to our farmers, workers, and businesses, is as a strong model for future agreements.

We hear from Costa Rica that they don't want a telecom chapter in the agreement. This is a bad precedent.

Similarly, we can't allow ourselves to go too far down the path of ''non-reciprocal'' market access provisions for developing countries, just to get an agreement done.

Given their reluctance to tackle hard issues in the FTA negotiations and the recent actions of some of the CAFTA countries in Cancun, I am frankly skeptical about where the CAFTA negotiations are headed. If we, and the CAFTA countries, are not prepared to conclude a comprehensive agreement, we need to ask ourselves if this agreement is worth negotiating at all.

Third, we need to do more to address legitimate concerns about environment and labor.

Any number of objective sources have pointed out deficiencies in the environmental and labor laws of the various CAFTA countries.

And there is widespread agreement including among the CAFTA governments themselves—that these countries lack the capacity to effectively enforce their own environmental and labor laws.

Yet that is just what the text tabled by USTR would require them to do. Even as the evidence mounts, our negotiators stick stubbornly to their determination not to go beyond the Chile and Singapore texts.

That won't work. For CAFTA, we need a different approach.

To date, our domestic politics on environment and labor have been polarized. The CAFTA countries see that and they use it as an excuse not to engage constructively.

I want to help break this deadlock. I want to get us all talking about constructive ways to address environment and labor.

A workable approach to environment and labor in the CAFTA will do two things. It will help the CAFTA countries overcome their capacity limitations. And it will give assurance that meaningful improvements in environmental and labor standards and enforcement in those countries are occurring.

In the next weeks, I plan to release a detailed proposal for addressing environmental issues in the CAFTA. I will give just a short preview today.

My proposal combines improvements to the Chile and Singapore environment chapter text with enhancements to the trade capacity building and environmental cooperation programs.

In the text, I propose changes that will help build an open and responsive system of environmental regulation in the CAFTA countries. For example, the citizen petition process used in the NAFTA side agreement has helped empower environmental NGOs in Mexico, with positive effects. I think that should be a model for the CAFTA.

On trade capacity building, I think we can make this process work better to achieve long-term environmental and sustainable development goals. On the U.S. side, that means creating a mechanism that assures funding for capacity building over the long term.

For the CAFTA countries, it means completing the ongoing regional process of setting environmental priorities, and establishing a monitoring system to assure that capacity building is leading to progress toward those goals.

I look forward to sharing my detailed proposal in the near future.

It does not serve America's trade interests to negotiate imperfect trade agreements simply to put another notch on our belt.

I hear people say all the time that America has fallen behind other countries in negotiating FTAs and needs to ''catch up.'' But this is not a numbers game. We must always remember that it is the quality, not the quantity, of our free trade agreements that matters.

I hope that I will be able to work with the administration to pass a good agreement with Central America. It is an important region, and this could be a significant agreement.

But the Trade Act—and specifically the provisions on labor and environment—must be adhered to. Submitting the same labor and environment text for all agreements—regardless of the situation in that country—is not, in my view, consistent with the Trade Act.

If we end up with an agreement that ignores Members' concerns on labor and the environment, I will work hard against it.

I hope it does not come to that. I hope that we can work together on an agreement that makes sense and moves the ball forward. And I stand ready to do that.

COLLAPSE OF THE WTO MINISTERIAL

Mr. BAUCUS. Mr. President, I rise today to talk about next steps for our trade agenda after last week's collapse of the World Trade Organization Ministerial in Cancun.

Certainly, the WTO is not dead. In fact, this kind of setback is fairly common in its history. Sooner or later the negotiators pick up the pieces and get back to work. We must and we will continue to try to get the Doha round negotiations back on track. And eventually, I think we will succeed.

But it probably won't happen soon.

In the meantime, we need to learn from last week's events and adjust our national trade strategy accordingly. In my view, there are two important lessons to be learned.

First, we can't count on a sweeping WTO agreement to be an engine of economic growth for our country any time soon. The President has made the stimulative effect of a strong WTO agreement a centerpiece of his plan for economic recovery and long-term growth. If we want to stimulate the economy through trade—and I certainly support that goal—then we need a new plan.

Second, the administration needs to rethink its strategy for picking FTA partners. I have heard many times that we need FTA partners who will be allies in the WTO and help the United States move that process forward. Instead, many of the same countries who are negotiating FTAs with us joined the G–21 and helped deadlock the ministerial.

So where do we go next?

To begin, I don't think we should overreact. Punishing trading partners with whom we have differences of opinion is not likely to be productive in the long term.

That doesn't mean they get a free pass. To the contrary, the onus is very much on Costa Rica, South Africa, Guatemala, and the others to take significant, constructive steps right now to show that they take their FTA negotiations seriously and are committed to comprehensive agreements with the United States. Where they have been holding back in FTA talks, they need to start putting more on the table. And if they don't, they should realize we have other countries to look to.

At the same time, we need to think hard about how to use trade agreements to create economic alternatives to the WTO. American workers, farmers, and businesses have just suffered a

big setback. They will not see the economic benefits of the Doha round for a long time. We need to focus our negotiating resources on bilateral and regional deals that can provide real commercial opportunities in the short term. That means, in picking FTAs, we need to give less weight to foreign policy and more weight to economic policy.

Access to the large and vibrant U.S. market remains our best leverage in opening markets around the world. We must continue to use that leverage well.

I am disappointed in the outcome of Cancun. Like all disappointments, however, it offers lessons for the future. I hope we will learn those lessons and apply them to our trade agenda as we move forward.

NATIONAL PUBLIC LANDS DAY

Mr. CRAIG. Mr. President, the focus of National Public Lands Day, 2003, is to improve and conserve our Nation's forests, grasslands, plains, rivers, streams and wetlands. As last year, we can expect tens of thousands of volunteers to join our dedicated land managers in projects across the country to protect America's rich natural resources and improve our opportunities to enjoy them.

Year and year National Public Lands Day volunteers are maintaining the legacy of the Civilian Conservation Corps, CCC, who exemplified land stewardship through the thirties and into the forties. National Public Lands Day continues to serve, as did the CCCs, to build a sense of ownership for our public lands. I believe this land stewardship and sense of ownership are most critical today as many changes are occurring which are affecting our public lands. I would like to spend just a few minutes to discuss these changes, how they are affecting our public lands and what we are, and can be, doing to address these impacts.

Our first concern is fire and fuels. Many of you are well aware of the catastrophic wildfires that have been occurring across the country over the past several years. This is a direct result of changing forest conditions that have led to a large build-up of fuels. Through legislated authorities such as Stewardship Contracting, communities are working with resource professionals and private contractors to address this situation while providing jobs, products and local income. We need to continue this work together to thin our forests, reduce hazardous fuels and restore the landscape to a more balanced condition. We need to continue to work together to provide more defensible space around our communities. Through legislation such as the Healthy Forest Initiative we can facilitate such projects that will protect our communities, our watershed and other at-risk lands. By continuing to work together we can address these hazardous conditions with win-win solutions.

The introduction and spread of unwanted invasive species is another concern. Noxious weeds, non-native fish species and introduced insects are just a few examples of invasive species that can wreak havoc on our public lands and across all ownerships. Throughout the country, local governments, private landowners and public land managers are working together to build strategies and share resources to combat invasive species across broad landscapes. Working together we can develop prevention plans to keep unwanted species out and control plans to reduce or eradicate unwanted species that have already arrived. Working together we can ensure that our public lands will remain healthy habitats for the plants and animals that enrich our lives.

Another concern is that, across the country, farms, ranches and other large tracts of open land are disappearing. These open spaces are being converted into neighborhoods, shopping malls and commercial complexes. In many respects these developments bring progress and benefits. In other ways these changes are creating a ripple effect on our public lands. Uses that were once spread across open lands owned by many are now being concentrated on the open lands remaining—Public Lands. Working together we can address these issues by considering these effects prior to development. Working together we can anticipate the increased demands such development will have on public lands and prepare our land managers to meet those demands. Working together we can find ways to promote development and protect our public lands.

Our last major concern is unmanaged outdoor recreation. Americans are hard working, but in our time off we like to play as hard as we work. More and more, many of us like to recreate on our Nation's public lands. As a result the numbers of recreationists and types of recreational activities are increasing at a staggering rate. This is creating a situation that leaves land managers struggling to keep up and the public frustrated with unmet expectations. To help with this situation, across the country, volunteers, user groups and resource professionals are working together to provide trail systems that provide high quality, safe experiences for hikers, stock users and OHV riders of all ages. Senior citizens and other volunteers are providing campground host services to ensure safe, enjoyable camping experiences. And volunteers are providing interpretive services and educational programs to enhance American's understanding of their natural environment. Through efforts such as these we can keep our Public Lands special places for all Americans to use and enjoy.

Public Lands are a national resource and a national treasure. The spirit of volunteers demonstrated on National Public Lands Day and the examples I've given of communities working together with resource professionals shows what can be done when we pull together. Working together on National Public Lands Day, and every day, will ensure that these lands are here for our enjoyment for generations to come.

A BAD AMENDMENT

Mr. LEVIN. Mr. President, this week Americans for Gun Safety, the Brady Campaign to Prevent Gun Violence United with the Million Mom March, and Coalition to Stop Gun Violence have joined to oppose an amendment included in the House version of the Commerce, Justice, and State Department Appropriations Act that would cripple the ability of the Bureau of Alcohol, Tobacco, Firearms, and Explosives to enforce the Nation's gun safety laws against firearms dealers who supply guns to criminals.

The House amendment would prohibit the public release of information related to the importation and production of firearms. This would mean that the only reliable national information available on how many guns are produced in a given year, as well as type, caliber, and manufacturer, would no longer be available to the public. Further, the amendment would prohibit the public release of information related to multiple handgun sales. Under current law, dealers are required to notify the BATFE of the sale of two or more handguns to the same person within 5 business days. Eliminating the public availability of this data would make it more difficult to monitor the activities of reckless gun dealers. In addition, the amendment would prohibit the release of information related to tracing requests on guns used in crimes.

The amendment would also prohibit the BATFE from issuing a rule requiring Federal firearm licensees to submit to a physical inventory. A physical inventory recently revealed that a Tacoma, WA gun dealer could not account for the sniper rifle used by the Washington, DC area sniper and more than 200 other guns in his inventory. The amendment would also require the immediate destruction of records of approved firearms purchases and transfers generated by the National Instant Criminal Background Check System. The retention of these records has assisted law enforcement officials in trying to prevent guns from getting into the hands of criminals and identifying gun trafficking patterns.

This amendment was never the subject of hearings, is not supported by any major law enforcement organizations, is not supported by Attorney General John Ashcroft or Director of the BATFE Bradley Buckles.

I support the efforts of Americans for Gun Safety, the Brady Campaign to Prevent Gun Violence United with the Million Mom March, and Coalition to Stop Gun Violence to block this amendment. This provision could

shield reckless and negligent gun dealers from public scrutiny and weaken the BATFE's oversight and enforcement authority.

INCREASING MILITARY PAY CATEGORIES

Mr. DURBIN. Mr. President, I have joined Senator DASCHLE in introducing a bill that would make permanent the increases in imminent danger pay and family separation allowance passed by Congress in the Fiscal Year 03 Emergency Wartime Supplemental Appropriations Act.

Last spring, when the Senate considered the Budget Resolution, it passed, by a vote of 100 to 0, an amendment I offered with Senator LANDRIEU that would have allowed for $1 billion to cover the increase in these special pay categories.

Then, when the Senate considered the Fiscal Year 2003 Emergency Wartime Supplemental Appropriations Act, it unanimously accepted an amendment I offered with Senator STEVENS and Senator INOUYE, increasing these pay categories for the remainder of the fiscal year.

The amendment we offered to the Supplemental sunset these pay increased, not because we wished to end them, but simply to allow the Armed Services Committee—the Committee of jurisdiction—to increase these pay levels in the Fiscal Year 2004 Defense Authorization bill, which it did.

Now—when soldiers are dying in Iraq and military families have been separated for many months—we hear that the Administration wishes to cut these pay increases in the Conference Committee.

The Statement of Administration Policy on the House version of the bill objects to the provision increasing both pay categories, saying it would "divert resources unnecessarily." The statement on the Senate bill only objects to the increase in Family Separation Allowance.

When confronted with questions about why the Administration wanted to reduce these pay categories, Defense Department spokesman, Under Secretary David Chu, came up with the classic Washington non-denial denial. On August 14, Chu said: "I'd just like very quickly to put to rest what I understand has been a burgeoning rumor that somehow we are going to reduce compensation for those serving in Iraq and Afghanistan. That is not true. . . ."

"What I think you're pointing to is one piece of very thick technical appeal document that speaks to the question do we want to extend the language Congress used in the Family Separation Allowance and Imminent Danger Pay statutes. And no, we don't think we need to extend that language. That's a different statement from are we going to reduce compensation for those in Iraq and Afghanistan . . ."

What do these statements mean?

Evidently the administration wants to claim that it will keep compensation the same for those serving in Iraq and Afghanistan through other pay categories, but do indeed intend to roll back the increases to imminent danger pay and family separation allowance.

This means that a soldier getting shot at fighting the war on terrorism in Yemen or the Philippines would receive less money than one who is similarly risking his or her life in Iraq. This means that a family bearing huge costs because of burdensome, long-term deployments would only be helped if the service member is deployed to Iraq or Afghanistan, but not if that same service member is deployed anywhere else in the world.

It is unfair to cut funding intended to help military families that are bearing the costs of far-flung U.S. deployments. It is unacceptable that imminent danger would be worth less in one combat zone than in another.

The bill we introduce today makes a clear statement that these pay categories should be increased permanently and should not be cut in conference.

Until these pay levels were increased in the Supplemental, an American soldier, sailor, airman, or Marine who put his or her life on the line in imminent danger only received an extra $150 per month. My amendment increased that amount to $225 per month—still only an acknowledgment of their courage, but an increase nonetheless.

Prior to the increase in the supplemental appropriations bill, family separation had been only $100 per month. We succeeded in raising it to $250 per month. These increases are only part of a normal progression of increases—for example, in 1965, imminent danger pay was $55; $100 in 1985, and raised to $150 in 1991. Family separation allowance was $30 in 1970, $60 in 1985, $75 in 1991, and $100 in 1997.

Family separation allowance was originally intended to pay for things that the deployed service member would have done, like cut the grass, that the spouse may then have had to hire someone to do. That may well have been appropriate in the past, but now most families have two working spouses—sometimes two working military spouses—and the absence of one or both parent may add huge child care costs that even the increased rate is unlikely to cover.

Military spouses sometimes find that they must give up their jobs or curtail their working hours in order to take up the family responsibilities that otherwise would have been shared by the missing spouse.

Example of increased costs that families may incur when military personnel are deployed, in addition to increased child care costs include: health care costs not covered by TRICARE, for example, the cost of counseling for children having a difficult time with their parents' deployment; costs for the family of an activated Reservist or National Guard member to travel to mobilization briefings, which may be in another state; various communication and information-gathering costs.

I would like to quote for the RECORD from an article that appeared in The Washington Post on April 11, 2003, entitled "Military Families Turn to Aid Groups," that outlines how military families have had to rely on private aid organizations to help them when their spouses are deployed. The article highlights the case of one mother, Michele Mignosa and says:

> The last 18 months have brought one mishap or another to Michelle Mignosa. Her husband, Kevin, is an Air Force reservist who since Sept. 11, 2001, terrorist attacks has been away from their Lancaster, Calif., home almost as much as he's been there. First, there were the out-of-state trips to provide airport security. Then he was deployed to Turkey for 2½ months last spring. Now he's in Greece with an air-refueling unit . . . And while he has been gone, the problems have piled up at home . . . Strapped for cash since giving up her part-time job because of Kevin's frequent far-off postings, she didn't know where the money would come from to resolve yet another problem.

I applaud the efforts of private aid groups to help military families, but I believe that it is the duty of the U.S. Government to cover more of the costs incurred because of military deployments. It should not matter to which country the service member is deployed. Cuts must not be made to funds helping military families that are bearing the costs of war, homeland security, and US military commitments abroad.

To say that pay will not decrease to those serving in Iraq or Afghanistan is ignoring the truth—rolling back family separation allowance from $250 per month to $100 per month will cost our military families and could be especially painful those living on the edge.

I urge my colleagues to support the bill that Senator DASCHLE and I have introduced and make a strong statement to the Defense Department that Congress will not stand for cutting imminent danger pay and family separation allowance.

ADDITIONAL STATEMENTS

IN HONOR OF JOHNNY CASH

• Mr. PRYOR. Mr. President, I rise today in support of the resolution to honor a great singer, a great songwriter, a great American, a man who truly lived the American Dream. J.R. Cash, otherwise known as "the man in black," Johnny Cash, captivated all those who listened during a career that spanned four decades. The man in black was a man who embodied and lived the spirit of working class America and transformed that spirit into song. I speak today to honor the life and work of this Arkansas native and music legend, and I would like to thank the Senator from Tennessee, Mr. ALEXANDER, for his resolution and kind words.

A native of Kingsland and Dyess, AR, Mr. Cash was respected and idolized by many in my State. It is always a tragedy to lose a native son, but I know the people of Arkansas will especially mourn the loss of Mr. Cash, who passed away last Friday at the age of 71.

Johnny Cash's life reads much like that of many Arkansas born during the dark and dreary days of the Depression. He was born to a family of sharecropper in Kingsland, February 26, 1932, a small town in South Arkansas not far from where my own father was born.

When he was 3, his family moved to Dyess, AR—a farming colony established by Franklin Delano Rossevelt's New Deal to help lift displaced farming families out of the Depression and the crushing poverty that still permeates a large part of the Delta soil. The Cash's were especially poor. A neighbor, Earl Condra of Harrisburg, who knew the plight of many families of the region once said, ''We were poor, but the Cash's were about as poor as you could get.''

No one in the family escaped working on the farm. By the time he was 6, Cash was carrying water to workers in the field. By 10 he working almost a full day in the cotton fields, from, as he said, ''can 'til can't''. When he was 12, his 14-year-old brother, whom young Johnny idolized, was killed in a saw accident while sawing oak logs into fence posts for the family farm. That same year, Cash's father told him he had reached ''the age of accountability . . . you're accountable as a man, to yourself and to others.''

For Cash, it seemed the only escape from his hard life was through music. After a long, hard day picking cotton in the fields, his family would often sit on their front porch and sing.

''I remember when I was a lad, times were hard and things were bad. But there's a silver lining behind every cloud. Just four the number of people, that's all we were, trying to make a living out of black land dirt. But we'd get together in a family circle singin' loud. Daddy sang bass, Momma sang tenor, me and little brother would join right in there. Singin' seems to help a troubled soul. One of these days, and it won't be long, I'll rejoin them in a song. I'm going to join the family circle at the throne,'' he recalled in one of his songs.

Indeed, by the age of 12, Cash was performing songs on the radio in Blytheville, AR.

Although he was one of few to graduate high school in post-Depression Arkansas, Cash knew his future lay in music.

''I think the first time I knew what I wanted to do with my life was when I was about 4 years old. I was listening to an old Victrola, playing a railroad song . . . I thought it was the most wonderful, amazing thing that I'd ever seen. That you could take this piece of wax and music would come out of that box. From that day on, I wanted to sing on the radio,'' he reminisced in a 1993 interview.

The quote under his picture in the 1950 Dyess Senior High School yearbook read, ''Be a live wire and you won't get stepped on.''

Within months of his graduation he enlisted in the U.S. Air Force and was assigned to Landsberg, Germany, where he was a radio intercept operator tasked with intercepting Soviet Morse Code. And it was also in Germany that he learned to play the guitar.

After his discharge from the Air Force in 1954, Cash moved to Memphis, TN, to take a job as an appliance salesman and to attend broadcasting school through the G.I. bill.

It was in Memphis where Johnny Cash would get his chance to sing to great audiences. After being turned away on numerous occasions, Johnny woke early one morning and went to the Memphis office of the famous Sun Records to meet Sam Phillips and he arrived for work. After a brief session, Mr. Phillips told Johnny to return the next day with a band. From that day forward, Johnny Cash reigned as the undisputed king of the downtrodden poor, a working man's savior in song.

Johnny Cash sang with a scowl of determination. The darkness of the songs he sang was only brightened by the hope of the audiences he addressed. That this man, this legend, this poor kid from Arkansas, could succeed on the grandest scale by putting his experiences and his emotions into song, gave the poorest sharecropper and the most oppressed worker that hope. There are no parameters in song. No boundaries, no borders, no confinements. For in a song, a man may truly express the deep well of thought not to be expressed in polite society. Song crisscrosses through time with an ease and a fluidity that gives true freedom to those who are not free, whether they are beholden to debt, their family, society or their own shortcomings. Johnny Cash understood the nature of song like few before or after. He understood its power over people. He understood the hope it could give, the happiness it could bestow, the sorrow it could impart. He knew these things about music. He used this understanding to give voice to those that had none.

As he said in explaining his propensity to wear black clothes, ''I tried to speak for the voices that were ignored or even suppressed by the entertainment media, not to mention the political and education establishments.'' As he put it, black clothes symbolized the dispossessed people of the world.

Johnny Cash achieved a level of success equal to that of the Beatles and Elvis. The legacy he left will be a lasting one in country and rock music. From jazz to blues to country music, to the rock and roll that was nurtured in its early years in the juke joints of the Delta South and the urban ghettos of the north, Johnny Cash contributed his own particular interpretation to this musical legacy: one that will forever be enshrined in the memories of his friends, colleagues, and thousands of fans.

Johnny Cash sold more records than anyone in the world in 1967. He was so popular that he had his own ABC television series. He won eleven Grammys and was the youngest person ever inducted into the Country Music Hall of Fame. He has also been inducted into the Rock and Roll Hall of Fame, has been honored with a Kennedy Center Award, and has a star on the Hollywood Walk of Fame. President Bush honored him with the National Medal of the Arts this past April.

Despite all of the professional accomplishments and accolades, I think Mr. Cash would rather us celebrate his life in terms of the people he touched with his music and his philanthropic work. In addition to his music, Mr. Cash endowed a burn research center, campaigned for prison reform, counseled former inmates transitioning to society, and donated and worked for the Mental Health association, Home for Autistic children, Refugees for Battered Women, the American Cancer Society, YWCA, and the Humane Society, among others.

Johnny Cash rose from nothing to everything on the strength of an iron will, gritty self-determination, and an unflappable faith in God, his family, and his music. Nothing he earned in his life came at the expense of others. Yet all he gave to all. Johnny Cash learned from his mistakes and ascended to a level higher than those who preceded him. He taught us to learn from our mistakes. He taught us to never give up, that the dreams of a small boy on a small farm in a small town can be big, and that they can come true. He taught us how to be free through the words and melody of a song. The lessons from his music are applicable today and will be for generations to come. Nothing captures the imagination of the heart like a great song. Mr. Cash captured the hearts of many. And his song will be missed.●

RECOGNIZING DR. CYNTHIA HALDENBY TYSON

● Mr. ALLEN. Mr. President, today I recognize Dr. Cynthia Tyson, who retired this year from her position as president of Mary Baldwin College in Staunton, VA.

Dr. Tyson was born and raised in England, where she received both her bachelor's and master's degrees, as well as her Ph.D. She first came to the United States as a Fulbright scholar, and has worked in higher education as both a lecturer and an administrator.

During her 18-year tenure at Mary Baldwin College, she was the active force behind that school's renaissance into a nationally renowned women's liberal arts college. From the beginning of her tenure in 1985 to this day, Mary Baldwin College has more than doubled its enrollment, with almost 2,200 students attending 6 locations throughout Virginia. The college has

consistently attracted more highly qualified applicants, with the SATs and GPAs of its applicants increasing every year. Under Dr. Tyson's presidency, Mary Baldwin's endowment has increased threefold, with a record-setting $58 million raised in its most recent capital campaign. All told, Mary Baldwin College, thanks to Dr. Tyson, is the largest and fastest growing women's college in Virginia.

In addition to her work at Mary Baldwin College, Dr. Tyson served as president of the Southern Association of Colleges and Schools and was an active member in professional organizations, including the National Association of Independent Colleges and Universities, the Virginia Foundation for Independent Colleges, and the State of Virginia Rhodes Scholarship Competition Selection Committee. She is also active in the Staunton community through the Frontier Culture Museum, Shenandoah Shakespeare, and Rotary International.

Dr. Tyson has left an indelible mark not only on the institution that she served so well as president but also on the hearts and minds of her colleagues, students, and community as a friend and inspiration. I congratulate her and wish her well in her retirement.●

THE SMALL BUSINESS ADMINISTRATION

● Mr. KERRY. Mr. President, I speak today in honor of the Small Business Administration, which this year is celebrating the 50th anniversary of its service to America's small businesses.

This week marks the SBA's annual Small Business Week. Throughout the events of this week, the SBA will demonstrate many of the valuable programs that have been created to help entrepreneurs across the country achieve success over the past 50 years. The SBA is relied upon to help restore economically depressed communities, spur technological research and development, provide access to capital and business training, monitor the procurement practices of Federal agencies, and ensure small businesses are heard within the Federal Government.

With the assistance of the programs and resources of the Small Business Administration and its dedicated employees, thousands of small businesses across the country have developed and expanded. Some of those companies have since developed into household names after receiving help from the SBA; companies like Outback Steakhouse, Nike, and Staples. These businesses exemplify the entrepreneurial spirit that is so unique to this country.

The importance of the small business community cannot and should not be underestimated. The link between small businesses and a strong economy is clear: small businesses account for over 50 percent of nonfarm GDP, and account for 75 percent of all new jobs. Time and again, our small businesses have led this Nation out of bad economic times.

We cannot help this country's economy by ignoring our small businesses and underfunding the initiatives meant to foster their establishment and growth. President Bush seems to understand that there is a need to support small businesses, but during his 3 years in office, he has yet to translate that understanding into actions. In his first year, he cut the SBA's budget by almost 50 percent. In his second year, he eliminated all funding for the agency's largest small-business loan program and shifted the cost—more than a hundred million—to the small businesses and the SBA's lending partners in the private sector who make the loans possible—never mind that the government was already overcharging them. He has cut funding for microloans and counseling—the SBA's number one program for reaching African Americans, Hispanics and women.

Here in the Senate, we are trying to pass legislation reauthorizing the programs of the Small Business Administration for another 3 years, and I think Chair SNOWE and the other members of the committee for working with me to create a bill that enables small businesses to continue to prosper. We are doing our part to assist small businesses, and the next step is to ensure that the SBA and its programs receive the funding they need to actively help small businesses across the country in these difficult economic times. The administration's low-ball request for FY 2004 will not help about adequate funding of the critical assistance that America's small businesses need. I intend to do everything possible to obtain necessary funding for these critical small business programs to ensure they will thrive in the next year and for the 50 years to come.●

RECOGNIZING WILLIAM G. O'BRIEN

● Mr. ALLEN. Mr. President, today I recognize William O'Brien, county administrator for Rockingham County, VA, who is retiring December 31, 2003, after 26 years of dedicated service.

William O'Brien began his career in the U.S. Marine Corps, where he spent 4 years before receiving his bachelor's degree from Mansfield University in 1969. He later earned an MBA from Southeastern University in 1978 before taking his current position in Rockingham County. As county administrator, Mr. O'Brien spent 26 years dutifully serving the residents of Rockingham County. Prior to his work in Rockingham, he also served as county administrator for Warren County, VA from 1973 to 1977. In addition, Mr. O'Brien spent more than 10 years as a professor at James Madison University and Eastern Mennonite University in Harrisonburg, VA.

I congratulate Mr. O'Brien on his years of dedicated service to the people of Rockingham County and the Commonwealth of Virginia, and I wish him well in his retirement.●

RECOGNIZING LUTHER E. ''IKEY'' MILLER

● Mr. ALLEN. Mr. President, today I recognize Mr. Luther E. ''Ikey'' Miller, who passed away on March 17, 2003 in Rileyville, VA.

Born on January 27, 1932, Mr. Miller was involved in a wide array of activities in his lifetime, including law, business, politics, the military, sports, music, and agriculture. Throughout his life, he was influential in his community. In 1973, he was appointed to serve as Page County Circuit Court clerk, a post that he held for 26 years, becoming an integral part of the local judiciary. Mr. Miller also served as chairman of the Page County Republican Party for 16 years, and as a Presidential elector for Virginia in the 2000 Presidential election. A Virginia native, he graduated from Luray High School in 1949. Mr. Miller entered the U.S. Army in 1952, serving until 1954, and achieving the rank of corporal before his honorable discharge. He also worked 21 years for First National Bank as a cashier and loan officer. Mr. Miller loved sports, especially baseball, which he played in the minor leagues, as well as football and hunting. He also farmed full-time throughout his life with the help of his family, and played in a country music band for 20 years.

Mr. Miller will surely be missed by his wife of 47 years Shirley, his family, friends, and the community he served so faithfully during his life. I join with the Miller family in mourning the loss of such a great family man, public servant, and Virginian.●

HONORING THE ANN ARBOR SYMPHONY ORCHESTRA'S 75TH ANNIVERSARY

● Mr. LEVIN. Mr. President, on behalf of Senator STABENOW and myself, I congratulate the Ann Arbor Symphony Orchestra as it celebrates its 75th anniversary. The Ann Arbor Symphony Orchestra was founded by Phillip Potts on a chilly autumn evening in 1928. Potts and four musicians gathered in a basement room of a local church, set up their music stands, unpacked and tuned their instruments, and launched into what would become a musical legacy that has touched many in the Michigan community.

Today, the Ann Arbor Symphony Orchestra includes over 150 professional musicians who perform under its auspices. The organization has an active and committed 45-member Board of Directors and a staff of five full-time employees. Each season, the symphony performs nine main stage concerts for 8,000 subscription patrons as well as five matinee concerts for over 1,000 senior citizens and five family-oriented concerts designed to engage family members of all ages. The group's extensive educational series includes four youth concerts, ''Ensembles in the Classroom'' during which orchestra members visit individual classrooms,

and a variety of other educational events which enrich the lives of almost 20,000 area students each year.

The Ann Arbor Symphony Orchestra counts Joseph Maddy, who was also the founder of Michigan's prestigious Interlochen Center for the Arts, as one of its earliest conductors. It has been the orchestra in residence for the Martha Graham Dance Company, the University Musical Society, the Music Paradigm, and Peter Schickele, aka PDQ Bach. Guest artists have included world renowned violinists Jaime Laredo, Catherine Cho, Ilya Kaler, Augustin Hadelich, and Benny Kim; clarinetists Richard Stoltzman and David Shiffrin; and pianists Anton Nel and Vladimir Feltsman.

During its 75-year history, the Ann Arbor Symphony Orchestra has received many honors. It has received awards from the National Endowment for the Arts, including a Millennium Project award for the premiere of a new work for an orchestra. It has also consistently earned top marks from the Michigan Council for the Arts and Cultural Affairs. Furthermore, in 2002 it was recognized by Crain's Detroit Business magazine as one of the area's best-managed nonprofit organizations. In addition, the Ann Arbor Symphony Orchestra won the Nonprofit Enterprise at Work's Excellence Award for Management in 1997 and 2003.

The Ann Arbor Symphony Orchestra's repertoire ranges from Baroque to the 21st century and spans musical genres from Bach to Broadway. Each year, the Ann Arbor Symphony Orchestra has premiered a new work by a young composer through its annual ''Mozart Birthday Bash'' concert series. This year the orchestra is also commissioning a work by internationally known Michigan composer Michael Daughtery. ''Silent Movies'' is a work for the Barton Theater Organ, which is located in the historic Michigan Theater, in celebration of the orchestra's 75th anniversary.

The Ann Arbor Symphony Orchestra is an integral part of the cultural and economic landscape of Ann Arbor and southeastern Michigan. Senator STABENOW and I would like to congratulate and honor the Ann Arbor Symphony Orchestra, its Music Director Arie Lipsky, and the hundreds of musicians, board members, and staff who have brought musical gifts to so many over the past 75 years. We know our Senate colleagues will join us in offering our thanks to the Ann Arbor Symphony Orchestra for enriching our lives and in wishing the organization continued success in the future.●

FERC NOTICE OF PROPOSED RULEMAKING

GRID MANAGEMENT

● Mr. KERRY. Mr. President, the front page of the Washington Post recently featured a local graduate student who skillfully mapped the electronic networks that interconnect every business and industrial sector in the American economy. The article emphasized how the information was readily available on the Internet and the associated security concerns. It also discussed the astonishment and alarm among industry leaders upon hearing about it.

Early this year, the Department of Homeland Security published two papers emphasizing the need to secure critical infrastructure from physical and cyber-attacks, including all aspects of the electric power infrastructure system. This was clarified further by the Federal Energy Regulatory Commission (FERC) in its Notice of Proposed Rulemaking on Standard Market Design, which states, holesale electric grid operations are highly interdependent, and a failure of one part of the generation, transmission, or grid management system can compromise the reliability of a major portion of the grid.

Simply put, experts in the public and private sector, time and time again, acknowledge the vulnerability of the entire national electric power infrastructure and that all aspects should be protected. As blatantly demonstrated by the recent blackouts in the northeastern United States, the viability of the national power grid is an important national security concern.

I am concerned, therefore, that a cyber security standard recently proposed by FERC, which is designed to protect the electric power grid, exempts rocess control systems, distributed control systems, or electric relays installed in generating stations, switching stations and substations from the definition of ''critical cyber assets'' to be protected.

Despite the clear intent of the Department of Homeland Security and FERC to protect the power system entirely, the proposed rule calls for only partial protection. The FERC decision may mean that power distribution is protected, while power generation remains vulnerable.

Mr. KENNEDY. If the Senator will yield for a comment. I have been made aware that technology exists in the marketplace that is capable of protecting power generation assets. I am aware of at least one company, in fact, a Massachusetts company, that has developed software capable of protecting our power generation assets from cyber attack. If the technology exists, are we not obligated to protect these assets? Protecting transmission without protecting generation is like protecting airports without protecting aircraft. Isn it reasonable, therefore, to conclude that the entire national power grid, including generation, should be protected?

Mr. KERRY. Mr. President, I think the answer is yes. No aspect of the electric power grid should be exempt from this cyber security standard. I urge the ranking member to work with us to address this issue during conference committee consideration of the Energy and Water appropriations bill for fiscal year 2004. With my good friend, the senior Senator from Massachusetts, I ask the Appropriations Committee, in conference with the House of Representatives, to include a requirement that the Federal Energy Regulatory Commission report to the committee and the Congress as to why generating infrastructure was excluded from the proposed rule.

Mr. REID. I thank the Senator from Massachusetts for brining this issue to my attention. I agree that process control systems, distributed control systems, or electric relays installed in generating stations, switching stations and substations are indeed critical assets of the national electric power infrastructure and should not be exempt from protected assets. I look forward to addressing this issue in conference committee.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

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

MESSAGES FROM THE HOUSE

At 11:48 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, without amendments:

S. 520. An act to authorize the Secretary of the Interior to convey certain facilities to the Fremont-Madison Irrigation District in the State of Idaho.

S. 678. An act to amend chapter 10 of title 39, United States Code, to include postmasters and postmasters organizations in the process for the development and planning of certain policies, schedules, and programs, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrences of the Senate:

H.R. 1284. An act to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to increase the Federal share of the costs of the San Gabriel Basin demonstration project.

H.R. 2040. An act to amend the Irrigation Project Contract Extension Act of 1998 to extend certain contracts between the Bureau of Reclamation and certain irrigation water contractors in the States of Wyoming and Nebraska.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 235. A concurrent resolution celebrating the life and achievements of Lawrence Eugene ''Larry'' Doby.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 659) to amend section 242 of the National Housing Act regarding the requirements for mortgage insurance under such Act for hospitals.''.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 13) to reauthorize the Museum and Library Services Act, and for other purposes.''.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2559) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes'', and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House: Mr. KNOLLENBERG, Mr. WALSH, Mr. ADERHOLT, Ms. GRANGER, Mr. GOODE, Mr. VITTER, Mr. KINGSTON, Mr. CRENSHAW, Mr. YOUNG of Florida, Mr. EDWARDS, Mr. FARR of California, Mr. BOYD, Mr. BISHOP, Mr. DICKS, and Mr. OBEY.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H.R. 2657) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes'', and agrees to the conferences asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House: For consideration of the House bill and the Senate amendments (except for title III in the Senate amendment numbered 3), and modifications committed to conference: Mr. KINGSTON, Mr. LAHOOD, Mr. TIAHRT, Mr. CULBERSON, Mr. KIRK, Mr. YOUNG, of Florida, Mr. MORAN of Virginia, Mr. PRICE of North Carolina, Mr. CLYBURN, and Mr. OBEY.

For consideration of title III in the Senate amendment numbered 3, and modifications committed to conference. Mr. YOUNG of Florida, Mr. TAYLOR, of North Carolina, and Mr. OBEY.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H.R. 2658) making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes,'' and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House: Mr. LEWIS of California, Mr. YOUNG of Florida, Mr. HOBSON, Mr. BONILLA, Mr. NETHERCUTT, Mr. CUNNINGHAM, Mr. FRELINGHUYSEN, Mr. TIAHRT, Mr. WICKER, Mr. MURTHA, Mr. DICKS, Mr. SABO, Mr. VISCLOSKY, Mr. MORAN of Virginia, and Mr. OBEY.

At 4:46 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 7. An act to amend the Internal Revenue Code of 1986 to provide incentives for charitable contributions by individuals and businesses, and for other purposes.

H.R. 49. An act to permanently extend the moratorium enacted by the Internet Tax Freedom Act, and for other purposes.

H.R. 292. An act to amend title 4, United States Code, to add National Korean War Veterans Armistice Day to the list of days on which the flag should especially be displayed.

H.R. 2152. An act to amend the Immigration and Nationality Act to extend for an additional 5 years the special immigrant religious worker program.

ENROLLED BILLS SIGNED

At 6:02 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 13. An act to reauthorize the Museum and Library Services Act, and for other purposes.

H.R. 659. An act to amend section 242 of the National Housing Act regarding the requirements for mortgage insurance under such Act for hospitals.

H.R. 978. An act to amend chapter 84 of title 5, United States Code, to provide that certain Federal annuity computations are adjusted by 1 percentage point relating to periods of receiving disability payments, and for other purposes.

The enrolled bills were signed subsequently by the President pro tempore (Mr. STEVENS).

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 292. An act to amend title 4, United States Code, to add National Korean War Veterans Armistice Day to the list of days on which the flag should especially be displayed; to the Committee on the Judiciary.

H.R. 1284. An act to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to increase the Federal share of the costs of the San Gabriel Basin demonstration project; to the Committee on Energy and Natural Resources.

H.R. 2040. An act to amend the Irrigation Project Contract Extension Act of 1998 to extend certain contracts between the Bureau of Reclamation and certain irrigation water contractors in the States of Wyoming and Nebraska; to the Committee on Energy and Natural Resources.

H.R. 2152. An act to amend the Immigration and Nationality Act to extend for an additional 5 years the special immigrant religious worker program; to the Committee on the Judiciary.

MEASURE PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1618. A bill to reauthorize Federal Aviation Administration Programs for the period beginning on October 1, 2003, and ending on March 31, 204, and for other purposes.

MEASURE READ THE FIRST TIME

The following bill was read the first time:

H.R. 49. An act to permanently extend the moratorium enacted by the Internet Tax Freedom Act, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4204. A communication from the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–4205. A communication from the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–4206. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report on the national emergency with respect to Iran; to the Committee on Banking, Housing, and Urban Affairs.

EC–4207. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report on the national emergency with respect to Zimbabwe; to the Committee on Banking, Housing, and Urban Affairs.

EC–4208. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Multiyear Contracting Authority Revisions'' (DFARS Case 2002–D041) received on September 15, 2003; to the Committee on Armed Services.

EC–4209. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Contractor Performance of Security-Guard Functions'' (DFARS Case 2002–d042) received on September 15, 2003; to the Committee on Armed Services.

EC–4210. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Competitiveness Demonstration Codes update'' (DFARS Case 2003–D003) received on September 15, 2003; to the Committee on Armed Services.

EC–4211. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Caribbean Basin country—Dominican Republic'' (DFARS Case 2003–D007) received on September 15, 2003; to the Committee on Armed Services.

EC–4212. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, a report relative to status of the female members of the Armed Forces; to the Committee on Armed Services.

EC–4213. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Liability for Loss Under Vessel Repair and Alteration Contracts'' (DFARS Case

2002–D016) received on September 15, 2003; to the Committee on Armed Services.

EC–4214. A communication from the Administrator, Food Safety and Inspection Service, transmitting, pursuant to law, the report of a rule entitled ''Definitions and Standards of Identity or Composition: Elimination of the Pizza with Meat or Sausage Standards'' (01–018P) received on September 15, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4215. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Asian Longhorned Beetle; Quarantined Areas and Regulated Articles'' (Doc. No. 03–018–2) received on September 16, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4216. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Importation of Pork-Filled Pasta'' (Doc. No. 02–003–2) received on September 16, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4217. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Sulfentrazone; Pesticide Tolerance'' (FRL#7324–5) received on September 16, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4218. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Thiamethoxam; Pesticide Tolerance'' (FRL#7327–5) received on September 16, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4219. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''S-Metolachlor; Pesticide Tolerance'' (FRL#7324–9) received on September 16, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4220. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Fenhexamid; Pesticide Tolerance'' (FRL#7326–7) received on September 16, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4221. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Cyrmmazine; Pesticide Tolerance'' (FRL#7326–5) received on September 16, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4222. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Butafenacil; Pesticide Tolerance'' (FRL#7324–6) received on September 16, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4223. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Cyprodinil; Pesticide Tolerance'' (FRL#7326–4) received on September 16, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4224. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Protection of Stratospheric Ozone: Supplemental Rule Regarding a Recycling Standard Under Section 608 of the Clean Air Act; Correction'' (FRL#7560-9) received on September 16, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4225. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants for Asbestos'' (FRL#7561-2) received on September 16, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4226. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Control of Emissions from New Marine Diesel Engines'' (FRL#7561-4) received on September 16, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4227. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Determination of Attainment for the Carbon Monoxide National Ambient Air Quality Standard for the Phoenix Metropolitan Area, Arizona'' (FRL#7561-5) received on September 16, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4228. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Federal Plan Requirements for Commercial and Industrial Solid Waste Incinerators Constructed on or Before November 20, 1999'' (FRL#7562-1) received on September 16, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4229. A communication from the Director, Office of Legislative Affairs, transmitting, pursuant to law, the report of a rule entitled ''Filing Procedures, Corporate Powers, International Banking, Management Official Interlocks, Golden Parachute and Indemnification Payments'' (RIN3064-AC55) received on September 15, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–4230. A communication from the Assistant Secretary of Defense for Health Affairs, Department of Defense, transmitting, pursuant to law, a report relative to medically relevant information concerning occupational exposures servicemembers may have received during Projects 112 and Shipboard Hazard and Defense testing; to the Committee on Armed Services.

EC–4231. A communication from the Under Secretary for Emergency Preparedness and Response, Federal Emergency Management Agency, Department of Homeland Security, transmitting, the Agency's Fiscal Year 2002 Annual Performance and Accountability Report; to the Committee on Banking, Housing, and Urban Affairs.

EC–4232. A communication from the Acting Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Export Clearance - Conformance of Export Administration Regulation with Foreign Trade Statistics Regulations'' (RIN0694-AC81) received on September 15, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–4233. A communication from the Director, Office of White House Liaison, National Telecommunications and Information Administration, transmitting, pursuant to law, the report of a vacancy and designation of acting officer for the position of Assistant Secretary for Communications and Information, National Telecommunications and Information Administration, received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4234. A communication from the Assistant Administrator for Human Resources and Education, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a change in previously submitted reported information for the position of Deputy Administrator, National Aeronautics and Space Administration, received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4235. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Office of Sustainable Fisheries, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Implement Approved Measures Contained in the Skate Fishery Management Plan'' (RIN0648-AO10) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4236. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Office of Sustainable Fisheries, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Amend Eligibility Criteria for the Bering Sea and the Aleutian Islands (BSAI) King and Tanner Crab Fisheries'' (RIN0648-AQ78) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4237. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Office of Sustainable Fisheries, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Implement Amendment 72 to the FMP for the Groundfish Fishery of the Bering Sea and Aleutian Islands and Amendment 64 to the FMP for the Groundfish Fishery of the Gulf of Alaska'' (RIN0648-AP92) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4238. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Office of Sustainable Fisheries, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Implement a Guideline Harvest Level for Managing the Harvest of Pacific Halibut in the Guided Recreational Fishery in International Pacific Halibut Commission Areas 2c and 3a in and off of Alaska'' (RIN0648-AK17) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4239. A communication from the Acting Director, National Marine Fisheries Service, Office of Sustainable Fisheries, transmitting, pursuant to law, the report of a rule entitled ''Closing Directed Fishing for Pelagic Shelf Rockfish in the Central Regulatory Area of the Gulf of Alaska'' received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4240. A communication from the Acting Director, National Marine Fisheries Service, Office of Sustainable Fisheries, transmitting, pursuant to law, the report of a rule entitled ''Closure; Prohibiting directed fishing for groundfish by vessels using hook-and-line gear in the Gulf of Alaska except for demersal shelf rockfish in the Southeast Outside District or sablefish'' received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4241. A communication from the Acting Director, National Marine Fisheries Service, Office of Sustainable Fisheries, transmitting, pursuant to law, the report of a rule entitled ''Pacific Halibut Fisheries; Oregon

Sport Fisheries; Inseason Action; Request for Comments'' received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4242. A communication from the Acting Director, National Marine Fisheries Service, Office of Sustainable Fisheries, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #2—Adjustment of the Recreational Fishery from the Queets River to Cape Falcon, Oregon'' (ID080503B) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4243. A communication from the Acting Director, National Marine Fisheries Service, Office of Sustainable Fisheries, transmitting, pursuant to law, the report of a rule entitled ''Closing Arrowtooth Flounder Fishing in the Western Regulatory Area of the Gulf of Alaska'' received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4244. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''NASA Grant and Cooperative Agreement Handbook—Financial Reporting'' (RIN2700–AC77) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4245. A communication from the Acting Director, National Marine Fisheries Service, Office of Sustainable Fisheries, transmitting, pursuant to law, the report of a rule entitled ''Closure; prohibiting directed fishing for Pacific ocean perch in the Eastern Aleutian District of the Bering Sea and Aleutian Islands Management Area (BSAI)'' received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4246. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Handling of Class I (Explosive) Materials or other Dangerous Cargoes Within or Contiguous to Waterfront Facilities'' (RIN1625–AA07) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4247. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations (Including 2 Regulations): [CGD08–03–11], [CGD13–02–012]'' (RIN1625–AA09) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4248. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations: Protection of Large Passenger Vessels, Portland, OR'' (RIN1625–AA00) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4249. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace: Sullivan, MO'' (RIN2120–AA66) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4250. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace: Cambridge, NE'' (RIN2120–AA66) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4251. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace: Maryville, MO'' (RIN2120–AA66) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4252. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace: Centerville, IA'' (RIN2120–AA66) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4253. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace: Meade, KS'' (RIN2120–AA66) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4254. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Various Transport Category Airplanes Manufactured by McDonnel Douglas'' (RIN2120–AA64) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4255. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 747–100, 747SP, and 747 SR Series Airplanes'' (RIN2120–AA64) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4256. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Mitsubishi Heavy Industries, Ltd. MU–2B Series Airplanes'' (RIN2120–AA64) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4257. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Correction Pratt and Whitney Canada Turboprop Engines'' (RIN2120–AA64) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4258. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: EXTRA Flugzeugbau GmbH Models EA–300/200, EA–300:, and EA 300S Airplanes'' (RIN2120–AA64) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4259. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace: Lee's Summit, MO'' (RIN2120–AA64) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4260. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace: Wayne, NE'' (RIN2120–AA64) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4261. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Schempp-Hirth Flugzeugbau GmbH Model Duo-Discus Gliders'' (RIN2120–AA64) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4262. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Learjet Model 45 Airplanes'' (RIN2120–AA64) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4263. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Pratt and Whitney Canada PW206A and PW206E Turboshaft Engines'' (RIN2120–AA64) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4264. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 757–200 and 200PF Series Airplanes Equipped with Pratt and Whitney PW200 Series Engines'' (RIN2120–AA64) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4265. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bombardier Model CL–600–2B19 (Regional Jet Series 100 and 440) Airplanes'' (RIN2120–AA64) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4266. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Dornier Luftahrt GMBH 228–100, 228–101 , 228–200, 228–201, 228–202, and 228–212 Airplanes'' (RIN2120–AA64) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4267. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 747 Series Airplanes Equipped with Pratt and Whitney JT9D–3 or JT9D–7 Series Engines (except JT9D–70 Series Engines)'' (RIN2120–AA64) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4268. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bombardier Model C1–600–2B19 (regional Jet Series 100 and 440) Airplanes'' (RIN2120–AA64) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4269. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A300 B4 600, B4600R (Collectively Called A300–600) Series Airplanes and

Airbus Model A310 Series Airplanes'' (RIN2120–AA64) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4270. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 747 Series Airplanes'' (RIN2120–AA64) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4271. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Rolls Royce plc RB211 Trent 800S Series Turbofan Engines'' (RIN2120-AA64) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4272. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model 717-200 Airplanes'' (RIN2120-AA64) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4273. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Materials Regulations: Penalty Guidelines and Other Procedural Regulations'' (RIN2137-AD71) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4274. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace: Aurora, MO'' (RIN2120-AA66) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4275. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace: Montgomery, AL'' (RIN2120-AA66) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4276. A communication from the Chairman, Federal Communications Commission, transmitting, pursuant to law, the Commission's Auctions Expenditure Report for fiscal year 2002; to the Committee on Commerce, Science, and Transportation.

EC–4277. A communication from the Chairman, National Transportation Safety Board, transmitting, pursuant to law, the Board's 2005 Budget Request; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–281. A resolution adopted by the Macomb County Board of Commissioners of the State of Michigan relative to the Midwestern Headquarters of the Department of Homeland Security; to the Committee on Finance.

POM–282. A concurrent resolution adopted by the Legislature of the State of Texas relative to prescription drug coverage in the federal Medicare program; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 101

Whereas, advances in the effectiveness of prescriptive medication have substantially improved the quality of health care in the United States; a key component of prevention health care, prescription drugs help patients live healthier, longer, and more productive lives without the need for costly long-term acute care; and

Whereas, since the passage of the Social Security Act of 1965, which originally authorized Medicare, the increased use of new and improved prescription drugs has changed the delivery of health care in the United States; nonetheless, of the more than 40 million people enrolled in Medicare, one-third have no prescription drug coverage, and the limited coverage available to the remaining two-thirds of Medicare beneficiaries is often inadequate to meet their needs; and

Whereas, comprehensive reform of the Medicare program is necessary to provide affordable care for the elderly and disabled who suffer from chronic disease and comorbidity; the private sector has established a model for successful reforms by negotiating discounts on prescription drugs and by coordinating care with disease management, drug utilization review, and patient education programs, all of which aid in ameliorating medical problems; and

Whereas, despite the growing needs of the Medicare population, the United States Congress has thus far failed to remedy the inadequacies of the Medicare program; effective reform would adopt the successful strategies of the private sector and use the marketplace to foster competition among private plans, maintaining the financial viability of the program and offering greater choice of quality coverage to seniors and the disabled; and

Whereas, instead, the lack of a prescription drug benefit in particular has forced states to supplement Medicare by providing medicine to vulnerable Medicare beneficiaries through state Medicaid programs; this ''dually eligible'' population, those who qualify for federal Medicare and state Medicaid, accounts for 42 percent of Medicaid drug expenditures nationwide; and

Whereas, the situation is critical in Texas, where the Congressional Budget Office reported the enactment of a Medicare drug benefit would mean a savings of nearly $2 billion in Medicaid funds between 2005 and 2012; alarmingly, the costs to state Medicaid programs are expected to increase as the non-elderly disabled and the elderly over age 85 who are most likely to be dually eligible are the fastest growing populations within Medicare; and

Whereas, with state Medicaid programs already facing serious budgetary constraints that threaten to restrict patients' access to needed medical care and prescription drugs, it is more important than ever that the Congress enact a Medicare prescription drug benefit as quickly as possible: Now, therefore, be it

Resolved, That the 78th Legislature of the State of Texas hereby respectfully request that the Congress of the United States enact financially sustainable, voluntary, universal, and privately administered outpatient prescription drug coverage as part of the federal Medicare program; and be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the Congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–283. A joint resolution adopted by the Legislature of the State of California relative to the Government Pension Offset (GPO) and the Windfall Elimination Provision (WEP); to the Committee on Finance.

JOINT RESOLUTION NO. 29

Whereas, the State Teachers' Retirement System has a higher contribution rate than, and benefits commensurate to, the Social Security system; and

Whereas, the State Teachers' Retirement System is not coordinated with the federal Social Security system; and

Whereas, the Social Security Act includes two offsets, the Government Pension Offset and the Windfall Elimination Provision, that reduce the Social Security benefits payable to persons who are entitled to benefits under other public retirement systems, under certain conditions; and

Whereas, public employees in California who do not pay into Social Security incur substantial reductions in their federal Social Security benefits even if they otherwise qualify for those benefits through prior employment for which they paid into Social Security, or as surviving spouses through their spouses' Social Security eligibility; and

Whereas, these offsets discourage individuals with prior work experience from seeking teaching positions; and

Whereas, every child is entitled to be taught by a fully credentialed teacher, but California has had a significant shortage of teachers credentialed in the subjects they are assigned to teach; and

Whereas, the recruitment and retention of teachers from other states who are entitled to Social Security benefits upon retirement is also undermined by these offsets; and

Whereas, legislation to remedy the Government Pension Offset and the Windfall Elimination Provision have been introduced in the 107th Congress by members of the California Congressional delegation and received bipartisan support from a majority of the California delegation in the 106th Congress: Now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly: That the Legislature of the State of California requests the Congress of the United States to enact legislation to remove the onerous effects of the Government Pension Offset and the Windfall Elimination Provision of the Social Security Act, and further, the Legislature of the State of California requests President George W. Bush to support and sign that legislation; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, the Majority Leader of the Senate, and to each Senator and Representative from California in the Congress of the United States.

POM–284. A resolution adopted by the House of Representatives of the legislature of the State of Michigan relative to bringing peace and security to Cyprus; to the Committee on Foreign Relations.

HOUSE CONCURRENT RESOLUTION NO. 36

Whereas, this year marks the twenty-seventh anniversary of the Turkish invasion and occupation of Cyprus; and

Whereas, the Republic of Cyprus has been divided and occupied by foreign forces since 1974 in violation of United Nations resolutions; and

Whereas, the international community and the United States government have repeatedly called for the speedy withdrawal of all foreign forces from the territory of Cyprus; and

Whereas, there are internationally acceptable means to resolve the situation in Cyprus, including the demilitarization of Cyprus and the establishment of a multinational force to ensure the security of both communities in Cyprus; and

Whereas, a peaceful, just, and lasting solution to the Cyprus problem would greatly benefit the security and the political, economic, and social well-being of all Cypriots, as well as contribute to improved relations between Greece and Turkey; and

Whereas, the United Nations has repeatedly stated the parameters for such a solution, most recently in United Nations Security Council Resolution 1217, which was adopted on December 22, 1998, with United States support; and

Whereas, United Nations Security Council Resolution 1218, also adopted on December 22, 1998, calls for reduction of tensions in the island through a staged process aimed at limiting and then substantially reducing the level of all troops and armaments in Cyprus, ultimately leading to the demilitarization of the Republic of Cyprus; and

Whereas, President Bush wholeheartedly supported Resolution 1218 and committed himself to taking all necessary steps to support a sustained effort to implement it: Now, therefore, be it

Resolved by the house of representatives (the senate concurring), That we memorialize the President and the Congress of the United States to work to implement United Nations resolutions to bring peace and security to Cyprus; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–285. A concurrent resolution adopted by the Legislature of the State of Hawaii relative to a center for the health, welfare, and education of children, youth, and families; to the Committee on Foreign Relations.

HOUSE CONCURRENT RESOLUTION NO. 123

Whereas, the Millennium Young People's Congress held in Hawaii in October 1999, demonstrated the value of a collective global vision by and for the children of the world and the need for a forum for international discussion of issues facing all children and youth; and

Whereas, children and youth are the key to world peace, sustainability, and productivity in the next millennium; and

Whereas, the health, welfare, and education of children and families are part of the basic foundation and values shared globally that should be provided for all children and youth; and

Whereas, the populations of countries in Asia and the Pacific Rim are the largest and fastest growing segment of the world's population with young people representing the largest percentage of that population; and

Whereas, Hawaii's location in the middle of the Pacific Rim between Asia and the Americas, along with a diverse culture and many shared languages, provides an excellent and strategic location for meetings and exchanges as demonstrated by the Millennium Young People's Congress, to discuss the health, welfare, and rights of children as a basic foundation for all children and youth, and to research pertinent issues and alternatives concerning children and youth, and to propose viable models for societal application: Now, therefore, be it

Resolved by the House of Representatives of the Twenty-first Legislature of the State of Hawaii, Regular Session of 2002, the Senate concurring, that the United Nations is respectfully requested to consider the establishment in Hawaii of a Center for the Health, Welfare, and Education of Children, Youth and Families for Asia and the Pacific; and be it further

Resolved, That the President of the United States and the United States Congress are urged to support the establishment of the Center; and be it further

Resolved, That the House and Senate Committees on Health convene an exploratory task force to develop such a proposal for consideration by the United Nations; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the Secretary General of the United Nations, the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the President of the University of Hawaii, the President of the East West Center, the President of the United Nations Association in Hawaii, and members of Hawaii's congressional delegation.

POM–286. An act passed by the General Assembly of the State of Maryland relative to the Department of Planning of the State of Maryland; to the Committee on Governmental Affairs.

POM–287. A concurrent resolution adopted by the Legislature of the State of New Hampshire relative to the Low Income Home Energy Assistance Program; to the Committee on Health, Education, Labor, and Pensions.

CONCURRENT RESOLUTION NO. 3

Whereas, New Hampshire's federal allocation of the Low Income Home Energy Assistance Program (LIHEAP) is used to operate the statewide fuel assistance program, which provides benefits to qualified New Hampshire residents, such as low-income elderly, disabled, and low-income working households, to assist with paying their energy bills during the winter season. The fuel assistance program also helps New Hampshire residents in a hearing emergency by securing an emergency delivery of fuel, delaying a shut-off notice, or referring individuals to another source of assistance; and

Whereas, fuel costs for this winter have proven to be higher than expected and higher than last winter, while the average temperature thus far this winter has been colder than usual; and

Whereas, during the 2001–2002 heating season, New Hampshire received $13.2 million in LIHEAP funds based upon a $1.7 billion federal appropriation. With these funds, New Hampshire assisted 24,876 low-income households, but was not able to provide full benefits to all income-eligible seniors and working poor families that requested assistance; and

Whereas, New Hampshire's fuel assistance program made numerous programmatic changes prior to this winter to further maximize federal LIHEAP dollars this winter season, including reducing income eligibility levels and reducing benefits amounts. In spite of these efforts, sufficient federal funds do not exist to serve all eligible New Hampshire residents who request assistance; and

Whereas, states are developing new and innovative ways to stretch available program resources, including the use of pre-purchase programs during the summer months that are not adequately supported by the current program legislation; and

Whereas, last winter many low-income residents unnecessarily suffered and took extreme and dangerous measures to stay warm. Results of a 2002 winter survey of New Hampshire's low-income residents identified disturbing facts which include that 16.4 percent of the over 900 respondents, many of whom are elderly, disabled, facing severe medical problems, or caring for small children, used dangerous alternatives to heat their homes, such as space heaters or ovens. Another 7.3 percent of the respondents indicated they went without medical care or medicine; and

Whereas, the current authorization level, set at $2 billion, is not sufficient to meet the current need for program assistance as a result of rising unemployment and poverty levels and continuing volatility in energy pricing; and

Whereas, uncertainty in appropriations due to the lack of advance funding has made it more difficult for the states to set program eligibility levels and take advantage of program buying opportunities: Now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the general court hereby urges the New Hampshire congressional delegation to support:

I. Extending LIHEAP's authorization through fiscal year 2008;

II. Maintaining the current funding formula and hold-harmless provisions in order to maintain-adequate funding levels for the region's programs;

III. Increasing the authorization level to $3.4 billion; and

IV. Allowing states to draw-down funds prior to the start of the winter heating season in order to take advantage of pre-purchase and other discount programs; and

That copies of this resolution be forwarded by the senate clerk to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the New Hampshire congressional delegation.

POM–288. A concurrent resolution adopted by the Legislature of the State of Texas relative to the Texas border with Mexico and border health issues; to the Committee on Health, Education, Labor, and Pensions.

SENATE CONCURRENT RESOLUTION NO. 21

Whereas, the United States and the United Mexican States share a border of 2,000 miles from Brownsville, Texas, to San Diego, California; the four states of the United States and the six states of the United Mexican States along the border are home to more than 75 million residents, an increase of about 11 million since 1990; and

Whereas, a significant percentage of these 10 states' population resides in the 44 United States counties and 80 Mexican municipalities adjacent to the border, where rapid population growth is putting great pressure on an already inadequate infrastructure and straining the border region past its economic limits and resources, the tragic effects of which have broad repercussions on the health of residents in both countries; and

Whereas, setting the stage for many of the health problems of the border is the standard of living of many in the region; more than a third of United States border families live at or below the federal poverty guideline, and an estimated 350,000 people live in colonias, unzoned, semirural communities with no access to public drinking water or wastewater facilities; and

Whereas, such deficiencies in public works have increased the risk of exposure to pollution and water-borne contaminants since many of the primary sources of water along the border are contaminated by sewage and pollution from agricultural and industrial sources; according to the United States Health Resources and Services Administration, 122 million liters of raw sewage are dumped into the Tijuana, New, and Rio Grande rivers daily, and a series of studies

conducted by several United States and Mexican agencies, including the Texas Department of Health, monitored sites along the Rio Grande and found chemicals such as PCBs, cyanide, mercury, and lead at significant levels; and

Whereas, beyond the effects of population, poverty, and pollution, many of the health concerns endemic to the border region are exacerbated by a lack of access to primary care and preventive medicine; uneven distribution of hospitals and physicians, inadequate transportation, limited immunizations, and a shortage of bilingual health care providers contribute to otherwise preventable health problems; and

Whereas, several standard health indicators reflect the shortcomings of the health care system along the border; the incidence of hepatitis A and tuberculosis is two to three times the national average, and measles, HIV/AIDS, and various infectious diseases disproportionately threaten the population of the border region as compared to the United States as a whole; and

Whereas, due to these and many other concerns and in an effort to provide international leadership to optimize health and quality of life along the United States-Mexico border, an agreement between the United States secretary of health and human services and the secretary of health of the United Mexican States created the United States-Mexico Border Health Commission in 2000; and

Whereas, the crises of health along the border are myriad and profound, with complications arising from cultural, economic, and geographic conditions unique to the region; although the United States-Mexico Border Health Commission has made great progress in promoting health and reducing health disparities, strategic planning and comprehensive study are critical for the commission to fulfill its mission to provide the tools necessary for the future well-being of the border populations: Now, therefore, be it

Resolved, That the 78th Legislature of the State of Texas hereby memorialize the Congress of the United States to request that the United States Department of Health and Human Services fund a benchmark study coordinated by the United States-Mexico Border Health Commission and conducted by universities from the border area of each of the adjoining border states in both the United States and the United Mexican States to engage each state's health policy with respect to the border health issues and goals outlined in Healthy Border 2010/Frontera Saludable 2010, a border-wide program of health promotion and disease prevention that defines an agenda for improving health in the United States-Mexico border region; and be it further

Resolved, That the study also address early intervention and preventive strategies; water and wastewater issues; immunization; behavioral health issues, including nutrition and exercise; elimination of health disparities among the border population; and response to disaster and disease outbreak; and be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, to the secretary of the United States Department of Health and Human Services, and to all the members of the Texas delegation to the Congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–289. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to human cloning; to the Committee on Health, Education, Labor and Pensions.

HOUSE RESOLUTION NO. 354

Whereas, the advances of science have taken our society to a challenging frontier. The highly publicized cases of animals being cloned are harbingers of decisions our society will face when the technology reaches the point where human cloning is possible. The rapid pace of advancement leads many to believe human cloning will soon be possible; and

Whereas, cloning is often mentioned in connection with research in a variety of areas. Those discussing the possibilities of human cloning do so without detailing the horrific aspects of this procedure, especially the number of failed cloning procedures for every cloning that succeeds. Most importantly, some advocates of cloning ignore the grave moral implications involved in this life and death issue; and

Whereas, there are profound problems with the concept of human cloning. The process itself often involves the discarding of living cells and the destruction of unsuccessful clones. It is most disturbing to think that a company could routinely kill cloned embryos after extracting certain desired cells. The concept of human cloning evokes images of human experimentation from the Nazi era. In addition to these moral issues, there are also many who worry that cloning may lead to serious genetic problems and ultimately threaten public health; and

Whereas, there is legislation currently pending in Congress that seeks to prohibit all human cloning. This bill, S. 1899, unlike others that provide certain exceptions allowing cloning for research purposes, recognizes the seriousness of the problems created by cloning and the moral implications. A true ban of all human cloning needs to be in place: Now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to enact legislation to ban all human cloning. We call on Congress to enact S. 1899 and reject other bills that purport to ban human cloning but provide for research using cloned cells; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–290. A concurrent resolution adopted by the Legislature of the State of Texas relative to the Child Modeling Exploitation Prevention Act of 2002; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION NO. 14

Whereas, according to a sample survey of the nearly 24 million school-aged children that were on-line regularly in 1999, roughly one in five received a sexual solicitation; remarkably, fewer than 10 percent of these sexual solicitations were ever reported to authorities; and

Whereas, unfortunately, as the Internet has revolutionized access to information, sharing of ideas, and global communication, it also has provided a vast landscape for the machinations of sexual predators; the United States Customs Service reports there are an estimated 100,000 websites involved in some way with child pornography, and arrests, indictments, and convictions for possession of child pornography transported across borders have climbed steadily since 1992, doubling several times during the last 10 years; and

Whereas, among the websites charging users to view images of children in suggestive poses are those that have become known as exploitive child modeling sites; where legitimate child modeling websites market the talent of the model, exploitive child modeling features compromising visual depictions of children without a direct or even indirect purpose of marketing an actual product other than the images of the minor; and

Whereas, the anonymous nature of communicating through the Internet allows pedophiles to deceitfully contact and personally interact with these child models, providing opportunity to develop on-line relationships and thereby increasing the chances of aggressive solicitations for meeting in person; and

Whereas, more than 70 percent of convicted pedophiles have accessed child pornography or exploitive child modeling websites as a means of sexual gratification, and the very operators of these sites, while defending their legitimacy, admit that pedophiles are likely frequent visitors; and

Whereas, legislation is now before the 107th Congress that would protect children's opportunities to develop legitimate modeling careers and at the same time protect them from exploitation at the hands of website operators: Now, therefore, be it

Resolved, That the 78th Legislature of the State of Texas hereby respectfully urge the Congress of the United States to enact the Child Modeling Exploitation Prevention Act of 2002; and be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the President of the United States, to the Speaker of the House of Representatives and the President of the Senate of the United States Congress, and to all members of the Texas delegation to the Congress with the request that this resolution be officially entered in the CONGRESSIONAL RECORD as a memorial to the Congress of the United States of America.

POM 291. A resolution adopted by the Senate of the Legislature of the State of New Jersey relative to National Senior Citizen's Day; to the Committee on the Judiciary.

SENATE RESOLUTION NO. 48

Whereas, it is desirable to increase the nation's awareness of the accomplishments and experiences of the senior citizens of our country; and

Whereas, senior citizens 65 years of age and older are an increasing segment of the population, currently comprising 12% of the nation's population, and 13% of New Jersey's population; and

Whereas, younger generations benefit from the honoring and remembrance of the accomplishments, experiences and wisdom which senior citizens have amassed during their lives; and

Whereas, senior citizens are deserving of a day of recognition honoring their numerous contributions to society and their survival through wartimes as well as their endurance of many hardships: Now, therefore, be it

Resolved by the Senate of the State of New Jersey,

1. The Congress and the President of the United States are respectfully memorialized to enact legislation honoring all the senior citizens of the United States by designating May 15th as National Senior Citizen's Day.

2. Duly authenticated copies of this resolution, signed by the President of the Senate and attested by the Secretary of the Senate, shall be forwarded to the President of the United States, the Secretary of Health and Human Services of the United States, the presiding officers of the United States Senate and the House of Representatives, and each of the members of the Congress of the United States elected from the State of New Jersey.

POM–292. A concurrent resolution adopted by the Legislature of the State of Texas relative to immigration status and benefits for surviving spouses and children; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION NO. 156

Whereas, according to the United States Department of Defense there are more than 37,000 legal, permanent residents serving on active duty in our armed forces; tragically, the military hostilities in Iraq have already claimed the lives of six of these noncitizen soldiers; and

Whereas, it is a remarkable display of loyalty to the ideals of a democracy and freedom that these brave young men and women defend our country against aggression overseas despite not being recognized as U.S. citizens and not being able to share in the full rights and privileges enjoyed by our fellow Americans; and

Whereas, the United States Congress has the opportunity to help these brave residents and the surviving spouses and children of those killed in action to gain U.S. citizenship and benefits by enacting House Bill H.R. 1685 and House Bill H.R. 1275, the Citizenship for America's Troops Act; and

Whereas, House Bill H.R. 1685 makes the surviving spouse and children of a person who has been granted posthumous citizenship through death while on active-duty service during times of military hostility eligible for immigration status and benefits; and

Whereas, the Citizenship For America's Troops Act reduces from three years to two years the amount of military service required for legal, permanent residents to qualify for U.S. citizenship, and exempts them from paying all of the fees required by the naturalization application process; and

Whereas, the Citizenship For America's Troops Act also allows the Immigration and Naturalization Service (INS) to conduct citizenship interviews and oath ceremonies for military personnel at embassies, consulates, and overseas military installations rather than requiring such interviews and ceremonies to take place within the United States; and

Whereas, on July 3, 2002, President Bush signed an executive order to provide expedited naturalization for aliens and noncitizen nationals serving honorably on active-duty status in the Armed Forces of the United States during the war on terrorism; and

Whereas, the executive order designated September 11, 2001, as the first day of a period of time in which exceptions from the usual requirements for naturalization were initiated; and

Whereas, given that this period of time has not been closed or terminated by a related executive order, the Congress should take this window of opportunity to honor the desires of the legal, permanent noncitizens who, in fighting global terrorism on our behalf, have demonstrated a willingness to die for a country they cannot yet fully claim as their own: Now, therefore, be it

Resolved, That the 78th Legislature of the State of Texas hereby respectfully request the Congress of the United States to enact House Bill H.R. 1685, relating to providing immigration status and benefits for surviving spouses and children, and House Bill H.R. 1275, the Citizenship For America's Troops Act; and be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the Speaker of the House of Representatives and the President of the Senate of the United States Congress, and to all the members of the Texas delegation to the Congress with the request that this resolution be officially entered in the CONGRESSIONAL RECORD as a memorial to the Congress of the United States of America.

POM–293. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of New Hampshire relative to Italian-American citizens of the United States during World War II; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION NO. 27

Whereas, more than 500,000 Italian-Americans served in World War II for the United States of America; and

Whereas, recently it has become known that up to 600,000 members of the families of those who served in World War II were placed under wartime restrictions which included random arrests and searches of their person and property, curfews, forced relocation, so-called ''prohibited zones,'' and internment camps; and

Whereas, these individuals were placed under such restrictions solely based on their Italian-American heritage; and

Whereas, Italian-Americans nationwide were affected by these wartime restrictions; and

Whereas, the United States government has acknowledged the wartime campaign against Japanese-Americans, but to date has ignored the plight of Italian-Americans affected by wartime decrees; and

Whereas, the full extent of the United States government's wartime restrictions on Italian-Americans is not known because the Federal Bureau of Investigation refuses to declassify World War II documents describing the nature of these events; and

Whereas, the United States Department of Justice is conducting an inquiry for the purpose of documenting the mistreatment of Italian-Americans during World War II: Now, therefore, be it

Resolved by the House of Representatives, the Senate concurring,

That the United States Department of Justice complete its inquiry into the mistreatment of Italian-Americans during World War II with all due speed and release the results of such inquiry to the public; and

That the Federal Bureau of Investigation take the necessary steps to allow public access to the documents regarding the mistreatment of Italian-Americans during World War II; and

That copies of this resolution shall be sent by the house clerk to the Speaker of the United States House of Representatives, the President of the United States Senate, the director of the Federal Bureau of Investigation, the chairpersons of the Judiciary Committees of the United States House of Representatives and Senate, and the New Hampshire congressional delegation.

POM–294. A resolution adopted by the Senate of the Legislature of the State of New Jersey relative to National Grandparents Day; to the Committee on the Judiciary.

SENATE RESOLUTION NO. 50

Whereas, in 1979, Congress approved House Joint Resolution No. 244, which authorized and requested the President to issue annually a proclamation designating the first Sunday of September following Labor Day of each year as ''National Grandparents Day''; and

Whereas, in 1994, Congress approved Senate Joint Resolution No. 198, which recognized that grandparents bring a tremendous amount of love to their grandchildren's lives, deepen a child's roots, strengthen a child's development and often serve as the primary caregiver for their grandchildren by providing stable and supportive home environments, and designated 1995 as the ''Year of the Grandparent''; and

Whereas, in making these designations Congress acknowledged the important role grandparents play within families and their many contributions which enhance and further the value of families and their traditions, and recognized that public awareness of and appreciation for grandparents' many contributions should be strengthened; and

Whereas, for both ''National Grandparents Day,'' and the 'year of the Grandparent'' in 1995, Congress called on the people of the United States and interested groups and organizations to observe the day and year with appropriate ceremonies and activities; and

Whereas, despite the acknowledgment of the tremendous contributions grandparents make to their families' lives, the permanent designation of a day to observe ''National Grandparents Day,'' the year-long designation of 1995 as the ''Year of the Grandparent,'' as well as the call for appropriate ceremonies and activities, the actual observance of appropriate ceremonies and activities has been lacking; and

Whereas, a wholehearted national effort to encourage people and organizations to celebrate ''National Grandparents Day'' by planning appropriate programs, ceremonies and activities would go a long way to commemorate and honor the wonderful and vital contributions that grandparents make to the lives of their families: Now, therefore, be it

Resolved by the Senate of the State of New Jersey,

1. The Congress and President of the United States are respectfully memorialized to make a wholehearted national effort to encourage people and organizations to celebrate ''National Grandparents Day'' by planning appropriate programs, ceremonies and activities that commemorate and honor the wonderful and vital contributions that grandparents make to the lives of their families.

2. Duly authenticated copies of this resolution, signed by the President of the Senate and attested by the Secretary of the Senate, shall be forwarded to the President of the United States, the Secretary of Health and Human Services of the United States, the presiding officers of the United States Senate and the House of Representatives, and each of the members of the Congress of the United States elected from the State of New Jersey.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INHOFE, from the Committee on Environment and Public Works, with an amendment:

S. 1039. A bill to amend the Federal Water Pollution Control Act to enhance the security of wastewater treatment works (Rept. No. 108–149).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. DOMENICI for the Committee on Energy and Natural Resources.

*Suedeen G. Kelly, of New Mexico, to be a Member of the Federal Energy Regulatory Commission for the remainder of the term expiring June 30, 2004.

*Rick A. Dearborn, of Oklahoma, to be an Assistant Secretary of Energy (Congressional and Intergovernmental Affairs).

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to

respond to requests to appear and testify before any duly constituted committee of the Senate.

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. REED:

S. 1624. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to add Rhode Island to the Mid-Atlantic Fishery Management Council; to the Committee on Commerce, Science, and Transportation.

By Mr. ALLARD:

S. 1625. To amend the Internal Revenue Code of 1986 to allow small business employers a credit against income tax for certain expenses for long-term training of employees in highly skilled small business trades; to the Committee on Finance.

By Mr. DAYTON:

S. 1626. A bill to provide emergency disaster assistance to agricultural producers; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ENZI (for himself, Mr. KENNEDY, Mr. GREGG, and Mrs. MURRAY):

S. 1627. A bill to reauthorize the Workforce Investment Act of 1998, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ALEXANDER (for himself, Mr. SCHUMER, Mr. BURNS, Mr. SESSIONS, Mr. GRAHAM of South Carolina, Mr. INHOFE, Mr. ROBERTS, Mr. ENZI, Mr. THOMAS, Mr. CRAIG, Mr. ALLARD, Mr. COLEMAN, Mr. COCHRAN, Mr. BUNNING, Mr. CORNYN, Mr. MCCONNELL, Mrs. HUTCHISON, Mr. BENNETT, Mr. BROWNBACK, Mr. VOINOVICH, Mr. LOTT, Mr. DOMENICI, Ms. MURKOWSKI, Mr. MCCAIN, Mr. KYL, Mr. ENSIGN, Mrs. DOLE, Mr. SANTORUM, Mr. GRASSLEY, Mr. ALLEN, and Mr. CHAMBLISS):

S. 1628. A bill to prescribe the oath of renunciation and allegiance for purposes of the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mr. DeWINE (for himself and Mr. DODD):

S. 1629. A bill to improve the palliative and end-of -life care provided to children with life-threatening conditions, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. CLINTON (for herself, Mrs. DOLE, Ms. CANTWELL, Mr. BENNETT, Mr. BINGAMAN, Mrs. MURRAY, and Ms. LANDRIEU):

S. 1630. A bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral services, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE:

S. 1631. A bill to amend the Internal Revenue Code of 1986 to allow a 15-year applicable recovery period for depreciation of electric transmission property; to the Committee on Finance.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 1632. A bill to extend eligibility for certain Federal benefits to citizens of the Freely Associated States; to the Committee on Finance.

By Mr. CORZINE:

S. 1633. A bill to require financial institutions and financial services providers to notify customers of the unauthorized use of personal information, to amend the Fair Credit Reporting Act to require fraud alerts to be included in consumer credit files in such cases, and to provide customers with enhanced access to credit reports in such cases; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BIDEN (for himself, Mr. KERRY, Mr. CORZINE, and Mrs. FEINSTEIN):

S. 1634. A bill to provide funds for the security and stabilization of Iraq by suspending a portion of the reductions in the highest income tax rate for individual taxpayers; to the Committee on Finance.

By Mr. CHAMBLISS:

S. 1635. A bill to amend the Immigration and Nationality Act to ensure the integrity of the L-1 visa for intracompany transferees; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 518

At the request of Ms. COLLINS, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 518, a bill to increase the supply of pancreatic islet cells for research, to provide better coordination of Federal efforts and information on islet cell transplantation, and to collect the data necessary to move islet cell transplantation from an experimental procedure to a standard therapy.

S. 569

At the request of Mr. ENSIGN, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 569, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 884

At the request of Ms. LANDRIEU, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 884, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 982

At the request of Mr. SANTORUM, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 982, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and hold Syria accountable for its role in the Middle East, and for other purposes.

S. 985

At the request of Mr. DODD, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 985, a bill to amend the Federal Law Enforcement Pay Reform Act of 1990 to adjust the percentage differentials payable to Federal law enforcement officers in certain high-cost areas, and for other purposes.

S. 1129

At the request of Mrs. FEINSTEIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1129, a bill to provide for the protection of unaccompanied alien children, and for other purposes.

S. 1213

At the request of Mr. SPECTER, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1213, a bill to amend title 38, United States Code, to enhance the ability of the Department of Veterans Affairs to improve benefits for Filipino veterans of World War II and survivors of such veterans, and for other purposes.

S. 1214

At the request of Ms. MIKULSKI, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1214, a bill to provide a partially refundable tax credit for caregiving related expenses.

S. 1461

At the request of Mr. MCCAIN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 1461, a bill to establish two new categories of nonimmigrant workers, and for other purposes.

S. 1482

At the request of Mr. INOUYE, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1482, a bill to amend the Internal Revenue Code of 1986 to repeal the reduction in the deductible portion of expenses for business meals and entertainment.

S. 1531

At the request of Mr. HATCH, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 1531, a bill to require the Secretary of the Treasury to mint coins in commemoration of Chief Justice John Marshall.

S. 1545

At the request of Mr. HATCH, the names of the Senator from New York (Mr. SCHUMER) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 1545, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents.

S. 1548

At the request of Mr. GRASSLEY, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1548, a bill to amend the Internal Revenue Code of 1986 to provide incentives for the production of renewable fuels and to simplify the administration of the Highway Trust Fund fuel excise taxes, and for other purposes.

S. 1580

At the request of Mr. HATCH, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1580, a bill to amend the Immigration and Nationality Act to extend the

special immigrant religious worker program.

S. 1586

At the request of Mr. SCHUMER, the names of the Senator from Minnesota (Mr. DAYTON), the Senator from Wyoming (Mr. ENZI), the Senator from New York (Mrs. CLINTON) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of 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.

S. 1613

At the request of Mrs. LINCOLN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1613, a bill to amend the Internal Revenue Code of 1986 to allow a United States independent film and wage production credit.

S. 1615

At the request of Mr. DASCHLE, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1615, a bill to amend title 37, United States Code, to make permanent the rates of hostile fire and imminent danger special pay and family separation allowance for members of the uniformed services as increased by the Emergency Wartime Supplemental Appropriations Act, 2003.

S. 1622

At the request of Mr. GRAHAM of Florida, the names of the Senator from Florida (Mr. NELSON), the Senator from Colorado (Mr. CAMPBELL), the Senator from Louisiana (Mr. BREAUX) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1622, a bill to amend title 10, United States Code, to exempt certain members of the Armed Forces from the requirement to pay subsistence charges while hospitalized.

S. CON. RES. 21

At the request of Mr. BUNNING, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. Con. Res. 21, a concurrent resolution expressing the sense of the Congress that community inclusion and enhanced lives for individuals with mental retardation or other developmental disabilities is at serious risk because of the crisis in recruiting and retaining direct support professionals, which impedes the availability of a stable, quality direct support workforce.

S. RES. 98

At the request of Mr. CAMPBELL, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. Res. 98, a resolution expressing the sense of the Senate that the President should designate the week of October 12, 2003, through October 18, 2003, as ''National Cystic Fibrosis Awareness Week''.

S. RES. 170

At the request of Mr. COCHRAN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. Res. 170, a resolution designating the years 2004 and 2005 as ''Years of Foreign Language Study''.

S. RES. 219

At the request of Mr. GRAHAM of South Carolina, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from Wisconsin (Mr. KOHL) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. Res. 219, a resolution to encourage the People's Republic of China to establish a market-based valuation of the yuan and to fulfill its commitments under international trade agreements.

S. RES. 221

At the request of Mr. SARBANES, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. Res. 221, a resolution recognizing National Historically Black Colleges and Universities and the importance and accomplishments of historically Black colleges and universities.

S. RES. 222

At the request of Mr. BIDEN, the names of the Senator from Idaho (Mr. CRAPO), the Senator from Illinois (Mr. DURBIN) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. Res. 222, a resolution designating October 17, 2003 as ''National Mammography Day''.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REED:

S. 1624. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to add Rhode Island to the Mid-Atlantic Fishery Management Council; to the Committee on Commerce, Science, and Transportation.

Mr. REED. Mr. President, I rise today to introduce the Rhode Island Fishermen's Fairness Act of 2003. This legislation would address a serious flaw in our Nation's regional fisheries management system by adding Rhode Island to the Mid-Atlantic Fishery Management Council (MAFMC), which currently consists of representatives from New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, and North Carolina.

The MAFMC manages the following 13 species, all of which are landed in Rhode Island: Illex squid, loligo squid, Atlantic mackerel, black sea bass, bluefish, butterfish, monkfish, scup, spiny dogfish, summer flounder, surfclam, ocean quahog, and tilefish.

In 2001, the most recent year for which final data are available, Rhode Island fishermen brought in over 21 percent of MAFMC landings by weight—more than any of the MAFMC member States except New Jersey, which is responsible for about 56 percent of total MAFMC landings. In fact, with the exception of New Jersey, Rhode Island's total 2001 MAFMC landings, 44.1 million pounds, nearly equaled those of all other MAFMC member States combined, 45.9 million pounds.

If Rhode Island fishermen are responsible for a large percentage of overall MAFMC landings, these species make up an even larger proportion of landings within Rhode Island every year. Between 1995 and 2002, MAFMC species represented between 29 percent and 58 percent of all finfish landed in Rhode Island annually, for an average of 43 percent of total landings by weight. In eight of the years between 1990 and 2002, squid, Illex and loligo, was the number one finfish landed in Rhode Island, with a value of between $13 million and $20 million annually.

Yet Rhode Island has no voice in the management of these species.

Following council tradition and Federal fisheries law, the Rhode Island Fishermen's Fairness Act would create two seats on the MAFMC for Rhode Island: one seat nominated by the Governor of Rhode Island and appointed by the Secretary of Commerce, and a second seat filled by Rhode Island's principal State official with marine fishery management responsibility. The MAFMC would increase in size from 21 voting members to 23.

There is a precedent for this proposed legislation. In 1996, North Carolina's representatives in Congress succeeded in adding that State to the MAFMC through an amendment to the Sustainable Fisheries Act. Like Rhode Island, a significant proportion of North Carolina's landed fish species were managed by the MAFMC, yet the State had no vote on the council. Today, Rhode Island's share of total landings for species managed by the MAFMC is more than six times greater than that of North Carolina.

I look forward to working with my colleagues to restore a measure of equity to the fisheries management process by passing the Rhode Island Fishermen's Fairness Act. I ask unanimous consent that the text of the legislation be printed in the RECORD.

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

S. 1624

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITION OF RHODE ISLAND TO THE MID-ATLANTIC FISHERY MANAGEMENT COUNCIL.

Section 302(a)(1)(B) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(a)(1)(B)) is amended—

(1) by inserting ''Rhode Island,'' after ''Virginia,'';

(2) by inserting ''Rhode Island,'' after ''except North Carolina,'';

(3) by striking ''21'' and inserting ''23''; and

(4) by striking ''13'' and inserting ''14''.

By Mr. ALLARD:

S. 1625. To amend the Internal Revenue Code of 1986 to allow small business employers a credit against income tax for certain expenses for long-term training of employees in highly skilled small business trades; to the Committee on Finance.

Mr. ALLARD. Mr. President, it gives me great pleasure to introduce today a

bill to provide a tax credit for apprenticeship training programs for various construction trades recognized by the Bureau of Labor Statistics (BLS), including masonry, electrical contract work, plumbing and heating and a host of other important vocations.

There are several reasons why I believe this legislation is necessary for apprenticeship training in these trades. First and foremost, these are highly skilled trades requiring many years of training. Second, there is a significant shortage of workers in these trades; in fact it is my understanding that many contractors often have to look outside the country to find a craftsman trained in one of these particular fields. Third, the average age of some of the workers in these crafts is over 50 and we must make every effort to ensure that we retain and recruit the most capable people in these jobs. And finally, many of these industries are very capital intensive and it makes sense to me to offer small businesses a short term tax credit to encourage productivity and stimulate economic growth and job creation.

During the last Congress a similar bill was introduced in the House of Representatives by Congressman FOLEY of Florida. Regrettably the bill was not met with a great deal of enthusiasm, primarily due to the price tag attached to it. The legislation I am introducing, the Apprenticeship Training and Education Act of 2003, has been modified to address budgetary concerns as well as the concerns of those in some of the building trades that the apprenticeship training programs were indeed legitimate ones that would ultimately produce certified craftsmen. I greatly appreciate the assistance of the Mason Contractors Association of America and the Independent Electrical Contractors in crafting a bill that is fiscally responsible and credible.

I believe this tax credit will go a long way toward encouraging companies with a certified apprenticeship program to hire and train new workers. As the population of these workers continues to age and decline, it is absolutely essential that we look for ways to attract more, younger workers to what I believe to be excellent, high-paying and high skilled jobs in these construction trades.

Under my bill, a tax credit of up to $10,000 per year for the first 2 years of a 4-year program would be provided and companies could hire three new apprentices each year. The normal business deduction taken for this expense would be offset by the amount of the tax credit. The bill also specifically targets trades in the construction industry recognized by the BLS and only those programs certified by a State's or the Federal Department of Labor would qualify for the credit.

In my view there are many companies across the country that would benefit tremendously from this tax credit. I commend this legislation to my colleagues and urge them to cosponsor it with me. These are jobs and trades to be proud of and I encourage other Members of this body to promote the skills and education necessary to keep them viable in the United States.

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. 1625

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 ''Apprenticeship, Training, and Employment Act of 2003''.

SEC. 2. CREDIT FOR EXPENSES FOR LONG-TERM TRAINING OF EMPLOYEES IN HIGHLY SKILLED SMALL BUSINESS TRADES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business-related credits) is amended by adding at the end the following new section:

''SEC. 45G. EXPENSES FOR LONG-TERM TRAINING OF EMPLOYEES IN HIGHLY SKILLED SMALL BUSINESS TRADES.

''(a) GENERAL RULE.—For purposes of section 38, in the case of a small business employer, the highly skilled trades training credit determined under this section for the taxable year is $10,000 for each employee (not to exceed 3 employees) having a qualified training year ending with or within such taxable year (whether or not such employee is an employee of the taxpayer as of the close of such taxable year).

''(b) DEFINITIONS.—For purposes of this section—

''(1) SMALL BUSINESS EMPLOYER.—

''(A) IN GENERAL.—The term 'small business employer' means, with respect to any taxable year, any employer who qualifies during such taxable year as a specialty trade contractor under subsector 238 of sector 23 contained in the table under section 121.201 of title 13, Code of Federal Regulations, as in effect on the date of the enactment of this section.

''(B) CONTROLLED GROUPS.—For purposes of subparagraph (A), all persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as a single employer.

''(2) QUALIFIED TRAINING YEAR.—

''(A) IN GENERAL.—The term 'qualified training year' means each year during the training period in which the employee received at least 1,500 hours of training (including on-the-job training and training at multi-employer training facilities) from the taxpayer (or any predecessor) under a qualified training program as an apprentice in any highly skilled trade.

''(B) HIGHLY SKILLED TRADES.—For purposes of subparagraph (A), the term 'highly skilled trades' means any specialty trade specified under subsector 238 of sector 23 contained in the table under section 121.201 of title 13, Code of Federal Regulations, as in effect on the date of the enactment of this section. Such term shall not include any trade if the customary apprenticeship period for such trade is less than 2 years.

''(C) QUALIFIED TRAINING PROGRAM.—

''(i) IN GENERAL.—The term 'qualified training program' means a written plan of study and training for individuals in, or entering into, highly skilled trades.

''(ii) DESCRIPTION OF PROGRAMS.—A plan under clause (i) must be a program which meets the requirements of clause (iii) and is either—

''(I) an apprenticeship program registered and certified with the Secretary of Labor under section 1 of the National Apprenticeship Act (29 U.S.C. 50), or

''(II) a program licensed, registered, or certified by the workforce investment board or apprenticeship agency or council of a State or administered in compliance with apprenticeship laws of a State.

''(iii) REQUIREMENTS.—A program meets the requirements of this clause if such program—

''(I) is accessible to individuals without discrimination on the basis of race, sex, color, religion, or national origin,

''(II) provides an overview of the trade, including the history and modern developments in such trade,

''(III) provides related instruction of the fundamental, intermediate, and advanced skills, techniques, and materials of the trade,

''(IV) provides training in math, measurement, and blueprint reading skills, if such skills are required in the trade,

''(V) provides training on trade-specific tools and equipment,

''(VI) provides trade specific safety and health training,

''(VII) provides on-the-job training which allows performance of work under close supervision of an instructor or skilled worker, and

''(VIII) provides periodic review and evaluation of participants to demonstrate proficiency in skills, including the use of tests and assessment of individual and group projects.

''(3) TRAINING PERIOD.—The term 'training period' means, with respect to an employee, the period—

''(A) beginning on the date that the employee begins employment with the taxpayer as an apprentice in the highly skilled trade, and

''(B) ending on the earlier of—

''(i) the date that such apprenticeship with the employer ends, or

''(ii) the date which is 2 years after the date referred to in subparagraph (A).

''(c) COORDINATION WITH OTHER CREDITS.—The amount of credit otherwise allowable under sections 51(a) and 1396(a) with respect to any employee shall be reduced by the credit allowed by this section with respect to such employee.''.

(b) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38 of such Code is amended by striking ''plus'' at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting '', plus'', and by adding at the end the following new paragraph:

''(16) in the case of a small business employer (as defined in section 45G(b)), the highly skilled trades training credit determined under section 45G(a).''.

(c) DENIAL OF DOUBLE BENEFIT.—Section 280C of such Code is amended by adding at the end the following new subsection:

''(d) CREDIT FOR TRAINING EXPENSES FOR EMPLOYEES IN HIGHLY SKILLED SMALL BUSINESS TRADES.—No deduction shall be allowed for that portion of the expenses otherwise allowable as a deduction for the taxable year which is equal to the amount of the credit determined for the taxable year under section 45G(a).''.

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

''Sec. 45G. Expenses for long-term training of employees in highly skilled small business trades.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to expenses paid or incurred in the taxable years ending after the date of the enactment of this Act.

By Mr. ENZI (for himself, Mr. KENNEDY, Mr. GREGG. and Mrs. MURRAY):

S. 1627. A bill to reauthorize the Workforce Investment Act of 1998, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. ENZI. Mr. President, as I consulted the morning weather reports, the thought occurred to me that today's economic forecast sounds a lot like the weather forecast. There is good reason to believe dramatic change is on the way. Yet, unlike the weather, how dramatic the economic change will be and how prepared we will be for it is in our hands. While we can't do anything about the weather, we can do something about helping America's workers get back to work.

We have already taken action to lay the groundwork for our economic recovery. We have ensured the presence of more capital in our economy which will lead to the creation of more jobs for our people. We have also begun to deal with the changing face of our Nation's economy. Because the kinds of jobs that will be available in the days to come will be different from those that were highly valued just months ago, we need to ensure that those who are looking for jobs find them. To do that we must ensure they have the training they will need for these new positions. We must also bring workforce supply and demand together to ensure that our businesses have the skilled employees they need to compete in a more global economy.

Workforce development is a powerful economic development tool. In these challenging times, the reauthorization of the Workforce Investment Act will give us an opportunity to improve the lives of millions of our workers, and increase the strength of our businesses and communities.

Legislation I am introducing today, the Workforce Investment Act Amendments of 2003, along with my colleagues Senator KENNEDY, Senator GREGG and Senator MURRAY, will build upon the success of the Workforce Investment Act while addressing its shortcomings.

In 1998 the Workforce Investment Act was enacted to create a streamlined job training and employment system that would be responsive to the needs of employers and workers. The system may be fairly new, but we've already learned a great deal about its strengths and weaknesses. These lessons reinforce what I learned as a small business owner in Wyoming: real opportunity in America comes from the small business sector; economic development and workforce development go hand in hand; rural areas face unique workforce development challenges; Washington cannot—and should not—determine state, local and individual workforce needs; and overly burdensome administrative requirements divert resources from serving customers.

Prior to coming to the Senate, my wife and I owned a small chain of shoe stores. We were not shoe salesmen, we were shoe fitters. There is a big difference. Shoe fitters listen to their customers and then meet their need for footwear with something comfortable to wear. Some people may be born salesmen, but they have to be trained to be shoe fitters. We had a series of courses we put our employees through. Few people are aware that slight changes can be made in a shoe to make it especially comfortable as well as useful and attractive. They aren't aware of the possibilities because they haven't been coming to see shoe fitters—they've been dealing with salesmen.

We taught listening, needs questioning, and technical fitting. Any staff person could advance through our training and begin filling foot doctor's prescriptions. The value of the training was that it made our stores special. We made sure our customers received the help they needed—even though they didn't know to ask for it—because they didn't know it was available.

Along the way we got to see some very special people achieve. One young returning Vietnam vet became a store manager, then bought that store—and later—bought a second store from us. Now he owns his own building and is also in the motel business. Bill Schepeler of Miles City, MT has and is playing a role in building three communities. I also consider him to be one of my good friends. He went through a workforce training program that we had approved in conjunction with the federal government.

My wife has also served on several boards that dealt with training and jobs and is currently on the Advisory Committee On Apprenticeship of the Department of Labor. She and I know that real opportunity in America comes from the small business sector where the American dream can still happen.

This bipartisan legislation I am introducing today wil help keep the American dream alive for millions of American workers. It will provide workers with the training they need to find new or better jobs.

Our bill improves upon the existing one-stop career center delivery system to ensure that it can respond quickly and effectively to the changing needs of employers and workers in the new economy and address the needs of hard-to-serve populations. The bill also better connects the job training system with the private sector and with post-secondary education and training, social services, and economic development systems. Doing so will prepare the 21st century workforce for career opportunities and skills in high-growing sectors. Our bill removes barriers in the laws that have discouraged business involvement in workforce training. As a result, job training and employment services will be more demand-driven and responsive to the needs of employers, both large and small.

One-stop career centers are the focal point of WIA's job training and employment system. However, distance can create a barrier to delivering job training and employment services in many rural and frontier areas, like Wyoming. A job seeker or employer in Dubois, WY has to travel 150 miles round trip to get to the nearest one-stop center in Lander. It isn't hard to understand the impact that traveling distances like that can have on a trainee or business owner. If you live in a big city—there's probably a facility just down the road—or a short bus ride downtown. There is an answer to that problem—technology can effectively remove the barrier created by distance. This legislation will leverage technology to improve access to WIA services throughout each state, including rural areas.

Some states and localities have found creative ways to overcome the challenges imposed by current law. Wyoming has done a magnificent job with the resources they have been allotted, and I commend their ingenuity. With this legislation, we will give Wyoming and the other states and localities the tools they need to help the unemployed or underemployed.

I want to thank my colleagues on the HELP Committee for all their work on this bipartisan Workforce Amendment Act. I also want to thank the Department of Labor for their assistance. I look forward to working with my colleagues and the administration to expeditiously address outstanding issues and enact this vital legislation. A demand-driven, flexible, and accountable system that works in all areas of the country in all economic times is what we can achieve through the reauthorization of the Workforce Investment Act.

We can't do anything to change the path of Hurricane Isabel. However, we can do something to put our workers on the path to new and better jobs. In fact, this bill means more than just jobs—it means good, solid careers for the workers of this country.

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. 1627

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 ''Workforce Investment Act Amendments of 2003''.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. References.

TITLE I—AMENDMENTS TO TITLE I OF THE WORKFORCE INVESTMENT ACT OF 1998

Subtitle A—Definitions

Sec. 101. Definitions.

Subtitle B—Statewide and Local Workforce Investment Systems

Sec. 111. Purpose.
Sec. 112. State workforce investment boards.
Sec. 113. State plan.
Sec. 114. Local workforce investment areas.
Sec. 115. Local workforce investment boards.
Sec. 116. Local plan.
Sec. 117. Establishment of one-stop delivery systems.
Sec. 118. Eligible providers of training services.
Sec. 119. Eligible providers of youth activities.
Sec. 120. Youth activities.
Sec. 121. Adult and dislocated worker employment and training activities.
Sec. 122. Performance accountability system.
Sec. 123. Authorization of appropriations.

Subtitle C—Job Corps

Sec. 131. Job Corps.

Subtitle D—National Programs

Sec. 141. Native American programs.
Sec. 142. Migrant and seasonal farmworker programs.
Sec. 143. Veterans' workforce investment programs.
Sec. 144. Youth challenge grants.
Sec. 145. Technical assistance.
Sec. 146. Demonstration, pilot, multiservice, research, and multistate projects.
Sec. 147. National dislocated worker grants.
Sec. 148. Authorization of appropriations for national activities.

Subtitle E—Administration

Sec. 151. Requirements and restrictions.
Sec. 152. Cost principles.
Sec. 153. Reports.
Sec. 154. Administrative provisions.
Sec. 155. Use of certain real property.

TITLE II—AMENDMENTS TO THE ADULT EDUCATION AND FAMILY LITERACY ACT

Sec. 201. Short title; purpose.
Sec. 202. Definitions.
Sec. 203. Authorization of appropriations.
Sec. 204. Reservation of funds; grants to eligible agencies; allotments.
Sec. 205. Performance accountability system.
Sec. 206. State administration.
Sec. 207. State distribution of funds; matching requirement.
Sec. 208. State leadership activities.
Sec. 209. State plan.
Sec. 210. Programs for corrections education and other institutionalized individuals.
Sec. 211. Grants and contracts for eligible providers.
Sec. 212. Local application.
Sec. 213. Local administrative cost limits.
Sec. 214. Administrative provisions.
Sec. 215. National Institute for Literacy.
Sec. 216. National leadership activities.
Sec. 217. Integrated English literacy and civics education.
Sec. 218. Transition.

TITLE III—AMENDMENTS TO OTHER PROVISIONS OF LAW

Sec. 301. Wagner-Peyser Act.

TITLE IV—REHABILITATION ACT AMENDMENTS

Sec. 401. Short title.
Sec. 402. Technical amendments to table of contents.
Sec. 403. Purpose.
Sec. 404. Definitions.
Sec. 405. Administration of the Act.
Sec. 406. Carryover.

Subtitle A—Vocational Rehabilitation Services

Sec. 411. Declaration of policy; authorization of appropriations.
Sec. 412. State plans.
Sec. 413. Eligibility and individualized plan for employment.
Sec. 414. Vocational rehabilitation services.
Sec. 415. State rehabilitation council.
Sec. 416. Evaluation standards and performance indicators.
Sec. 417. State allotments.
Sec. 418. Client assistance program.
Sec. 419. Incentive grants.
Sec. 420. Vocational rehabilitation services grants.
Sec. 421. GAO studies.

Subtitle B—Research and Training

Sec. 431. Authorization of appropriations.
Sec. 432. National Institute on Disability and Rehabilitation Research.
Sec. 433. Research and other covered activities.
Sec. 434. Rehabilitation research advisory council.

Subtitle C—Professional Development and Special Projects and Demonstrations

Sec. 441. Training.
Sec. 442. Demonstration and training programs.
Sec. 443. Migrant and seasonal farmworkers.
Sec. 444. Recreational programs.

Subtitle D—National Council on Disability

Sec. 451. Authorization of appropriations.

Subtitle E—Rights and Advocacy

Sec. 461. Architectural and transportation barriers compliance board.
Sec. 462. Protection and advocacy of individual rights.

Subtitle F—Employment Opportunities for Individuals With Disabilities

Sec. 471. Projects with industry authorization of appropriations.
Sec. 472. Services for individuals with significant disabilities authorization of appropriations.

Subtitle G—Independent Living Services and Centers for Independent Living

Sec. 481. State plan.
Sec. 482. Statewide independent living council.
Sec. 483. Independent living services authorization of appropriations.
Sec. 484. Program authorization.
Sec. 485. Grants to centers for independent living in States in which Federal funding exceeds State funding.
Sec. 486. Grants to centers for independent living in States in which State funding equals or exceeds Federal funding.
Sec. 487. Standards and assurances for centers for independent living.
Sec. 488. Centers for independent living authorization of appropriations.
Sec. 489. Independent living services for older individuals who are blind.
Sec. 490. Program of grants.
Sec. 491. Independent living services for older individuals who are blind authorization of appropriations.

Subtitle H—Miscellaneous

Sec. 495. Helen Keller National Center Act.

TITLE V—TRANSITION AND EFFECTIVE DATE

Sec. 501. Transition provisions.
Sec. 502. Effective date.

SEC. 3. REFERENCES.

Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the amendment or repeal shall be considered to be made to a section or other provision of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.).

TITLE I—AMENDMENTS TO TITLE I OF THE WORKFORCE INVESTMENT ACT OF 1998

Subtitle A—Definitions

SEC. 101. DEFINITIONS.

Section 101 (29 U.S.C. 2801) is amended—

(1) by striking paragraph (24);

(2) by redesignating paragraphs (1) through (4), (5) through (16), (17), (18) through (23), (25) through (41), and (42) through (53) as paragraphs (2) through (5), (7) through (18), (20), (23) through (28), (29) through (45), and (47) through (58), respectively;

(3) by inserting before paragraph (3) (as redesignated by paragraph (2)) the following:

''(1) ACCRUED EXPENDITURES.—The term 'accrued expenditures' means charges incurred by recipients of funds under this title for a given period requiring the provision of funds for—

''(A) goods or other tangible property received;

''(B) services performed by employees, contractors, subgrantees, subcontractors, and other payees; and

''(C) other amounts becoming owed under programs assisted under this title for which no current services or performance is required, such as annuities, insurance claims, and other benefit payments.

(4) in paragraph (2) (as redesignated by paragraph (2)), by striking ''Except in sections 127 and 132,'' and inserting ''Except in section 132,'';

(5) by inserting after paragraph (5) (as redesignated by paragraph (2)) the following:

''(6) BUSINESS INTERMEDIARY.—The term 'business intermediary' means an entity that brings together various stakeholders with an expertise in an industry or business sector.'';

(6) in paragraph (9) (as redesignated by paragraph (2)), by inserting '', including a faith-based organization,'' after ''nonprofit organization'';

(7) in paragraph (10) (as redesignated by paragraph (2))—

(A) in subparagraph (B), by striking ''and'' after the semicolon;

(B) in subparagraph (C)—

(i) by striking ''not less than 50 percent of the cost of the training'' and inserting ''a significant portion of the cost of training as determined by the local board, taking into account the size of the employer and such other factors as the local board determines to be appropriate''; and

(ii) by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(D) for customized training with employers in various parts of the State, a significant portion of the cost of the training, as determined by the Governor, taking into account the size of the employer and such other factors as the Governor determines appropriate.'';

(8) in paragraph (11) (as redesignated by paragraph (2))—

(A) in subparagraph (A)(ii)(II), by striking ''section 134(c)'' and inserting ''section 121(e)'';

(B) in subparagraph (C), by striking ''or'' after the semicolon;

(C) in subparagraph (D), by striking the period and inserting ''; or''; and

(D) by adding at the end the following:

''(E)(i) is a member of the Armed Forces on active duty, who has been involuntarily separated with an honorable discharge, from the Armed Forces, or who has received notice of such separation;

''(ii) is the spouse or adult dependent of a member of the Armed Forces who has experienced the loss of employment as a direct result of relocation to accommodate a change in duty station of such member; or

''(iii) is the spouse of a member of the Armed Forces on active duty who meets the criteria described in paragraph (13)(B).'';

(9) in paragraph (12)(A) (as redesignated by paragraph (2))—

(A) by striking ''and'' after the semicolon and inserting ''or'';

(B) by striking ''(A)'' and inserting ''(A)(i)''; and

(C) by adding at the end the following:

''(ii) is the dependent spouse of a member of the Armed Forces, whose family income is significantly reduced because of a deployment, an activation, a transfer of duty station, or the service-connected death or disability of the spouse; and'';

(10) in paragraph (14)(A) (as redesignated by paragraph (2)), by striking ''section 122(e)(3)'' and inserting ''section 122'';

(11) by inserting after paragraph (18) (as redesignated by paragraph (2)) the following:

''(19) HARD-TO-SERVE POPULATIONS.—The term 'hard-to-serve populations' means populations of individuals who are hard-to-serve, including displaced homemakers, low-income individuals, Native Americans, individuals with disabilities, older individuals, ex-offenders, homeless individuals, individuals with limited English proficiency, individuals who do not meet the definition of literacy in section 203, individuals facing substantial cultural barriers, migrant and seasonal farmworkers, individuals within 2 years of exhausting lifetime eligibility under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), and such other groups as the Governor determines to be hard-to-serve.'';

(12) by inserting after paragraph (20) (as redesignated by paragraph (2)) the following:

''(21) INTEGRATED TRAINING PROGRAM.—The term 'integrated training program' means a program that combines occupational skills training with language acquisition.

''(22) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 102(a)(1) (A) and (B) of the Higher Education Act of 1965 (20 U.S.C. 1002(a)(1)).'';

(13) in paragraph (29) (as redesignated by paragraph (2))—

(A) in subparagraph (B), by striking ''higher of—'' and all that follows through ''level, for an equivalent period'' and inserting ''poverty line for an equivalent period'';

(B) by redesignating subparagraphs (D) through (F) as subparagraphs (E) through (G), respectively; and

(C) by inserting after subparagraph (C) the following:

''(D) receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);'';

(14) in paragraph (34) (as redesignated by paragraph (2)), by inserting '', subject to section 121(b)(1)(C)'' after ''121(b)(1)'';

(15) by striking paragraph (37) (as redesignated by paragraph (2)) and inserting the following:

''(37) OUT-OF-SCHOOL YOUTH.—The term 'out-of-school youth' means an out-of-school youth as defined in section 129(a)(1)(B).'';

(16) in paragraph (45) (as redesignated by paragraph (2)), by striking '', and the term means such Secretary for purposes of section 503'';

(17) by inserting after paragraph (45) (as redesignated by paragraph (2)) the following:

''(46) SELF-SUFFICIENCY.—The term 'self-sufficiency' has the meaning given the term in section 134(a)(3)(A)(4)(x) and section 134(e)(1)(A)(ix).'';

(18) in paragraph (48) (as redesignated by paragraph (2)), by striking ''clause (iii) or (v) of section 136(b)(3)(A)'' and inserting ''section 136(b)(3)(A)(iii)'';

(19) in paragraph (57) (as redesignated by paragraph (2)), by striking ''(or as described in section 129(c)(5))'' and inserting ''(or as described in section 129(a)(2))''; and

(20) in paragraph (58) (as redesignated by paragraph (2)), by striking ''established under section 117(h)'' and inserting ''that may be established under section 117(h)(2)''.

Subtitle B—Statewide and Local Workforce Investment Systems

SEC. 111. PURPOSE.

Section 106 (29 U.S.C. 2811) is amended to read as follows:

''SEC. 106. PURPOSES.

''The purposes of this subtitle are the following:

''(1)(A) Primarily, to provide workforce investment activities, through statewide and local workforce investment systems, that increase the employment, retention, self-sufficiency, and earnings of participants, and increase occupational skill attainment by participants.

''(B) As a result of the provision of the activities, to improve the quality of the workforce, reduce welfare dependency, increase self-sufficiency, and enhance the productivity and competitiveness of the Nation.

''(2) To enhance the workforce investment system of the Nation by strengthening one-stop centers, providing for more effective governance arrangements, promoting access to a more comprehensive array of employment and training and related services, establishing a targeted approach to serving youth, improving performance accountability, and promoting State and local flexibility.

''(3) To provide workforce investment activities in a manner that promotes the informed choice of participants and actively involves participants in decisions affecting their participation in such activities.

''(4) To provide workforce investment systems that are demand-driven and responsive to the needs of all employers, including small employers.

''(5) To provide workforce investment systems that work in all areas of the Nation, including urban and rural areas.

''(6) To allow flexibility to meet State, local, regional, and individual workforce investment needs.

''(7) To recognize and reinforce the vital link between economic development and workforce investment activities.

''(8) To provide for accurate data collection, reporting, and performance measures that are not unduly burdensome.

''(9) To address the ongoing shortage of essential skills in the United States workforce related to both manufacturing and knowledge-based economies to ensure that the United States remains competitive in the global economy.

''(10) To equip workers with higher skills and contribute to lifelong education.

''(11) To eliminate training disincentives for hard-to-serve populations and minority workers, including effectively utilizing community programs, services, and agencies.

''(12) To educate limited English proficient individuals about skills and language so the individuals are employable.

''(13) To increase the employment, retention and earnings of individuals with disabilities.''.

SEC. 112. STATE WORKFORCE INVESTMENT BOARDS.

(a) MEMBERSHIP.—

(1) IN GENERAL.—Section 111(b) (29 U.S.C. 2821(b)) is amended—

(A) in paragraph (1), by striking subparagraph (C) and inserting the following:

''(C) representatives appointed by the Governor, who—

''(i) are the lead State agency officials with responsibility for the programs and activities that are described in section 121(b) and carried out by one-stop partners, except that—

''(I) in any case in which no lead State agency official has responsibility for such a program or activity, the representative shall be a representative in the State with expertise relating to such program or activity; and

''(II) in the case of the programs authorized under title I of the Rehabilitation Act of 1973, the representative shall be the head of the designated State unit, as defined in section 7 of the Rehabilitation Act of 1973 (29 U.S.C. 705);

''(ii) are the State agency officials responsible for economic development;

''(iii) are representatives of all business in the State, including small businesses, who—

''(I) are owners of businesses, chief executive or operating officers of businesses, or other business executives or employers with optimum policymaking or hiring authority;

''(II) represent businesses with employment opportunities that reflect employment opportunities in the State; and

''(III) are appointed from among individuals nominated by State business organizations, business trade associations, and local boards;

''(iv) is a chief elected official (representing cities and counties, where appropriate)

''(v) are representatives of labor organizations, who have been nominated by State labor federations; and

''(vi) are such other State agency officials and other representatives as the Governor may designate.''; and

(B) in paragraph (3), by striking ''paragraph (1)(C)(i)'' and inserting ''paragraph (1)(C)(iii)''.

(2) CONFORMING AMENDMENT.—Section 111(c) (29 U.S.C. 2821(c)) is amended by striking ''subsection (b)(1)(C)(i)'' and inserting ''subsection (b)(1)(C)(iii)''.

(b) FUNCTIONS.—Section 111(d) (29 U.S.C. 2811(d)) is amended—

(1) in paragraph (1), by striking ''development'' and inserting ''development, implementation, and revision'';

(2) in paragraph (2), by striking ''section 134(c)'' and inserting ''section 121(e)'';

(3) by striking paragraph (3) and inserting the following:

''(3) reviewing and providing comment on the State plans of all one-stop partner programs, where applicable, in order to provide effective strategic leadership in the development of a high quality, comprehensive statewide workforce investment system, including commenting at least once annually on the measures taken pursuant to section 113(b)(3) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C 2323(b)(3)) and title II of this Act;

(4) by redesignating paragraphs (4) through (9) as paragraphs (5) through (10), respectively;

(5) by inserting after paragraph (3) the following:

''(4) development and review of statewide policies affecting the coordinated provision of services through the one-stop delivery systems described in section 121(e) within the State, including—

''(A) the development of objective procedures and criteria for use by local boards in assessing the effectiveness and continuous improvement of one-stop centers under section 121(g);

''(B) the development of guidance for the allocation of one-stop center infrastructure funds under section 121(h)(1)(B);

''(C) the development of—

''(i) statewide policies relating to the appropriate roles and contributions of one-stop partner programs within the one-stop delivery system, including approaches to facilitating equitable and efficient cost allocation in the one-stop delivery system;

''(ii) statewide strategies for providing effective outreach to individuals, including hard-to-serve populations, and employers who could benefit from services provided through the one-stop delivery system; and

''(iii) strategies for technology improvements to facilitate access to services provided through the one-stop delivery system, in remote areas, and for individuals with disabilities, which may be utilized throughout the State;

''(D) identification and dissemination of information on best practices for effective operation of one-stop centers, including use of innovative business outreach, partnerships, and service delivery strategies, including for hard-to-serve populations; and

''(E) such other matters as may promote statewide objectives for, and enhance the performance of, the one-stop delivery systems;'';

(6) in paragraph (5) (as redesignated by paragraph (4)), by inserting ''and the development of Statewide criteria to be used by chief elected officials for the appointment of local boards and for use in certification of local boards consistent with section 117'' after ''section 116'';

(7) in paragraph (6) (as redesignated by paragraph (4)), by striking ''sections 128(b)(3)(B) and 133(b)(3)(B)'' and inserting ''sections 128(b)(3) and 133(b)(3)(B)'';

(8) in paragraph (8) (as redesignated by paragraph (4), by striking ''and'' after the semicolon;

(9) in paragraph (10) (as redesignated by paragraph (4))—

(A) by striking ''section 503'' and inserting ''section 136(i)(1)''; and

(B) by striking the period and inserting ''; and''; and

(10) by adding at the end the following:

''(11) increasing the availability of skills training, employment opportunities, and career advancement for hard-to-serve populations.''.

(c) ALTERNATIVE ENTITY.—Section 111(e) (29 U.S.C. 2811(e)) is amended—

(1) in paragraph (1), by striking ''For'' and inserting ''Subject to paragraph (3), for''; and

(2) by adding at the end the following:

''(3) FAILURE TO MEET PERFORMANCE MEASURES.—If a State fails to meet the State adjusted levels of performance established pursuant to section 136, the Secretary may require the State to establish a State board in accordance with subsections (a), (b), and (c) in lieu of the alternative entity established under paragraph (1).''.

(d) SUNSHINE PROVISION.—Section 111(g) (29 U.S.C. 2822(g)) is amended—

(1) by inserting '', and modifications to the State plan,'' before ''prior''; and

(2) by inserting '', and modifications to the State plan'' after ''the plan''.

(e) AUTHORITY TO HIRE STAFF.—Section 111 (29 U.S.C. 2811)) is amended by adding at the end the following:

''(h) AUTHORITY TO HIRE STAFF.—The State board may hire staff to assist in carrying out the functions described in subsection (d) using funds allocated under section 127(b)(1)(C) and section 132(b).''.

SEC. 113. STATE PLAN.

(a) PLANNING CYCLE.—Section 112(a) (29 U.S.C. 2822(a)) is amended—

(1) by striking ''5-year strategy'' and inserting ''4-year strategy''; and

(2) by adding at the end the following: ''At the end of the first 2-year period of the 4-year State plan, the State board shall review and, as needed, amend the 4-year State plan to reflect labor market and economic conditions. In addition, the State shall submit a modification to the State plan at the end of the first 2-year period of the State plan, which may include redesignation of local areas pursuant to section 116(a) and the levels of performance under sections 136 for the third and fourth years of the plan.''.

(b) CONTENTS.—Section 112(b) (29 U.S.C. 2822(b)) is amended—

(1) in paragraph (8)(A)—

(A) in clause (ix), by striking ''and'' after the semicolon; and

(B) by adding at the end the following:

''(xi) programs authorized under title II of the Social Security Act (42 U.S.C. 401 et seq.) (relating to Federal old-age, survivors, and disability insurance benefits), title XVI of such Act (42 U.S.C. 1381 et seq.) (relating to supplemental security income), title XIX of such Act (42 U.S.C. 1396 et seq.) (relating to medicaid), and title XX of such Act (relating to block grants to States for social services), programs authorized under title VII of the Rehabilitation Act of 1973 (29 U.S.C. 796 et seq.), and programs carried out by State agencies relating to mental retardation and developmental disabilities; and'';

(2) by striking paragraph (10) and inserting the following:

''(10) a description of how the State will use funds the State received under this subtitle to leverage other Federal, State, local, and private resources, in order to maximize the effectiveness of such resources, expand resources for the provision of education and training services, and expand the participation of businesses, employees, and individuals in the Statewide workforce investment system, including a description of incentives and technical assistance the State will provide to local areas for such purposes;'';

(3) in paragraph (12)(A), by striking ''sections 128(b)(3)(B) and 133(b)(3)(B)'' and inserting ''sections 128(b)(3) and 133(b)(3)(B)'';

(4) in paragraph (14), by striking ''section 134(c)'' and inserting ''section 121(e)'';

(5) in paragraph (17)—

(A) in subparagraph (A)—

(i) in clause (iii)—

(I) by inserting ''local'' before ''customized training''; and

(II) by striking ''and'' at the end;

(ii) in clause (iv), by striking ''homemakers),'' and all that follows through ''disabilities)'' and inserting ''hard-to-serve populations and individuals training for nontraditional employment''; and

(iii) by adding after clause (iv) the following:

''(v) how the State will serve the employment and training needs of individuals with disabilities, consistent with section 188 and Executive Order 13217 (42 U.S.C. 12131 note; relating to community-based alternatives for individuals with disabilities), including the provision of outreach, intake, the conduct of assessments, service delivery, the development of performance measures, and the training of staff; and''; and

(B) in subparagraph (B), by striking ''and'' at the end;

(6) in paragraph (18)(D)—

(A) by striking ''youth opportunity grants'' and inserting ''youth challenge grants authorized under section 169 and other federally funded youth programs''; and

(B) by striking the period and inserting a semicolon; and

(7) by adding at the end the following:

''(19) a description of how the State will utilize technology to facilitate access to services in remote areas, which may be utilized throughout the State;

''(20) a description of the State strategy for coordinating workforce investment activities and economic development activities;

''(21) a description of the State strategy and assistance needed for ensuring regional cooperation;

''(22) a description of how the State will use funds the State receives under this subtitle to—

''(A) implement innovative programs and strategies designed to meet the needs of all businesses in the State, including small businesses, which may include incumbent worker training programs, sectoral and industry cluster strategies, regional skills alliances, career ladder programs, utilization of effective business intermediaries, and other business services and strategies that better engage employers in workforce activities and make the statewide workforce investment system more relevant to the needs of State and local businesses, consistent with the purposes of this Act; and

''(B) provide incentives and technical assistance to assist local areas in more fully engaging large and small employers in local workforce development activities, to make the workforce investment system more relevant to the needs of area businesses, and to better coordinate workforce investment and economic development efforts to contribute to the economic well being of the local area, as determined appropriate by the local board;

''(23) a description of the State strategy for ensuring cooperation between transportation providers, including public transportation providers, and workforce investment activities;

''(24) a description of how the State will assist local areas in assuring physical and programmatic assessability for individuals with disabilities at one-stop centers;

''(25) a description of the process and methodology that will be used by the State board to—

''(A) review statewide policies and provide guidance on the coordinated provision of services through the one-stop delivery system described in section 121;

''(B) establish, in consultation with chief elected officials and local boards, procedures and objective criteria for use by local boards in periodically assessing the effectiveness and continuous improvement of one-stop centers and one-stop delivery systems as described in section 121(g); and

''(C) determine one-stop partner program contributions for—

''(i) the costs of the infrastructure of one-stop centers under section 121(h)(2); and

''(ii) the formula for allocating the funds described in section 121(h)(2) to local areas; and

''(26) a description of the State strategy for ensuring that activities carried out under this title are placing men and women in jobs, education, or training that lead to comparable pay.''.

(c) MODIFICATIONS TO PLAN.—Section 112(d) (29 U.S.C. 2822(d)) is amended—

(1) by striking ''5-year period'' and inserting ''4-year period''; and

(2) by adding at the end the following: ''In addition, the State shall submit the modifications to the State plan required under subsection (a), and under circumstances prescribed by the Secretary that are due to changes in Federal law that significantly affect elements of the State plan.''.

SEC. 114. LOCAL WORKFORCE INVESTMENT AREAS.

(a) DESIGNATION OF AREAS.—

(1) CONSIDERATIONS.—Section 116(a)(1)(B) (29 U.S.C. 2831(a)(1)(B)) is amended by adding at the end the following:

''(vi) The extent to which such local areas will promote maximum effectiveness in the administration and provision of services.''.

(2) AUTOMATIC DESIGNATION.—Section 116(a)(2) (29 U.S.C. 2831(a)(2)) is amended to read as follows:

''(2) AUTOMATIC DESIGNATION.—

''(A) IN GENERAL.—The Governor shall approve a request for designation as a local area that is submitted prior to the submission of the State plan, or of a modification to the State plan relating to area designation, from any area that—

''(i) is a unit of general local government with a population of 500,000 or more, except that after the initial 2-year period following such designation pursuant to this clause that occurs after the date of enactment of the Workforce Investment Act Amendments of 2003, the Governor shall only be required to approve a request for designation from such area if such area—

''(I) performed successfully; and

''(II) sustained fiscal integrity;

''(ii) was a local area under this title for the preceding 2-year period, if such local area—

''(I) performed successfully; and

''(II) sustained fiscal integrity; or

''(iii) is served by a rural concentrated employment program grant recipient, except that after the 2-year period following any such designation under the initial State plan submitted after the date of enactment of the Workforce Investment Act Amendments of 2003, the Governor shall only be required to approve a request for designation under this clause if such area—

''(I) performed successfully; and

''(II) sustained fiscal integrity.

''(B) DEFINITIONS.—For purposes of this paragraph:

''(i) PERFORMED SUCCESSFULLY.—The term 'performed successfully' means that the local area involved is not subject to sanctions under section 136(h)(2) due to the failure to meet the levels of performance establish under section 136(c) for 2 consecutive years.

''(ii) SUSTAINED FISCAL INTEGRITY.—The term 'sustained fiscal integrity' means that the Secretary has not made a formal determination during the preceding 2-year period that either the grant recipient or the administrative entity of the area misexpended funds provided under this title due to willful disregard of the requirements of the Act involved, gross negligence, or failure to comply with accepted standards of administration.''.

(3) CONFORMING AMENDMENTS.—Section 116(a) (29 U.S.C. 2831(a)) is amended—

(A) by striking paragraph (3);

(B) by redesignating paragraphs (4) and (5) as paragraph (3) and (4), respectively;

(C) in paragraph (3) (as redesignated by subparagraph (B))—

(i) by striking ''(including temporary designation)''; and

(ii) by striking ''(v)'' and inserting ''(vi)''; and

(D) in paragraph (4) (as redesignated by subparagraph (B))—

(i) by striking ''under paragraph (2) or (3)'' and inserting ''under paragraph (2)''; and

(ii) by striking the second sentence.

(b) SINGLE LOCAL AREA STATES.—Section 116(b) (29 U.S.C. 2831(b)) is amended to read as follows:

''(b) SINGLE LOCAL AREA STATES.—

''(1) CONTINUATION OF PREVIOUS DESIGNATION.—Notwithstanding subsection (a)(2), the Governor of any State that was a single local area for purposes of this title as of July 1, 2002, may continue to designate the State as a single local area for purposes of this title if the Governor identifies the State as a local area in the State plan under section 112(b)(5).

''(2) REDESIGNATION.—The Governor may redesignate the State as a single local area if, prior to the submission of the State plan or modification to such plan so designating the State, no local area meeting the requirements for automatic designation under subsection (a)(2) requests such designation as a separate local area.

''(3) EFFECT ON LOCAL PLAN.—In any case in which a State is designated as a local area pursuant to this subsection, the local plan prepared under section 118 for the area shall be submitted to the Secretary for approval as part of the State plan under section 112.''.

(c) REGIONAL PLANNING.—Section 116(c) (29 U.S.C. 2831(c)) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) PLANNING.—

''(A) IN GENERAL.—As part of the process for developing the State plan, a State may require regional planning by local boards for a designated region in the State. The State may require the local boards for a designated region to participate in a regional planning process that results in the establishment of regional performance measures for workforce investment activities authorized under this subtitle. The State, after consultation with local boards and chief elected officials, may require the local boards for the designated region to prepare, submit, and obtain approval of a single regional plan that incorporates local plans for each of the local areas in the region, as required under section 118. The State may award regional incentive grants to the designated regions that meet or exceed the regional performance measures pursuant to section 134(a)(2)(C).

''(B) TECHNICAL ASSISTANCE.—If the State requires regional planning as provided in subparagraph (A), the State shall provide technical assistance and labor market information to such local areas in the designated regions to assist with such regional planning and subsequent service delivery efforts.'';

(2) in paragraph (2), by inserting ''information about the skill requirements of existing and emerging industries and industry clusters,'' after ''information about employment opportunities and trends,''; and

(3) in paragraph (3), by adding at the end the following: ''Such services may be required to be coordinated with regional economic development services and strategies.''.

SEC. 115. LOCAL WORKFORCE INVESTMENT BOARDS.

(a) COMPOSITION.—Section 117(b) (29 U.S.C. 2832(b)) is amended—

(1) in paragraph (2)(A)—

(A) in clause (i), by striking subclause (II) and inserting the following:

''(II) collectively, represent businesses with employment opportunities that reflect the employment opportunities of the local area, and include representatives of businesses that are in high-growth and emerging industries, and representatives of all businesses, including small businesses, in the local area; and'';

(B) by striking clause (ii) and inserting the following:

''(ii)(I) a superintendent representing the local school districts involved or another high-level official from such districts;

''(II) the president or highest ranking official of an institution of higher education serving the local area; and

''(III) an administrator of local entities providing adult education and literacy activities in the local area;'';

(C) in clause (iv), by inserting '', hard-to-serve populations,'' after ''disabilities''; and

(D) by striking clause (vi) and inserting the following:

''(vi) if the local board does not establish a youth council, representatives with experience serving out-of-school youth, particularly out-of-school youth facing barriers to employment.''; and

(2) by adding at the end the following:

''(6) SPECIAL RULE.—In the case that there are multiple school districts or institutions of higher education serving a local area, the representatives described in paragraph (2)(A)(ii) shall be appointed from among individuals nominated by regional or local educational agencies, institutions, or organizations representing such agencies or institutions.''.

(b) AUTHORITY OF BOARD MEMBERS.—Section 117(b)(3) (29 U.S.C. 2832(b)(3)) is amended—

(1) in the heading, by inserting ''AND REPRESENTATION'' after ''AUTHORITY''; and

(2) by adding at the end the following: ''The members of the board shall represent diverse geographic sections within the local area.''.

(c) CONFORMING AMENDMENT.—Section 117(c)(1)(C) (29 U.S.C. 2832 (c)(1)(C)) is amended by striking ''section 116(a)(2)(B)'' and inserting ''section 116(a)(2)(A)(ii)''.

(d) FUNCTIONS.—Section 117(d) (29 U.S.C. 2832(d)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (B)—

(i) by inserting ''(except as provided in section 123(b))'' after ''basis''; and

(ii) by inserting ''where appropriate'' after ''youth council''; and

(B) by adding at the end the following:

''(E) CONSUMER CHOICE REQUIREMENTS.—Consistent with section 134(d)(3) and (d)(4), the local board shall work to ensure there are sufficient providers of intensive services and training services serving the local area in a manner that maximizes consumer choice, including providers with expertise in assisting individuals with disabilities.'';

(2) in paragraph (4), by inserting '', and shall ensure the appropriate use and management of the funds provided under this subtitle for such programs, activities, and system'' after ''area'';

(3) in paragraph (8)—

(A) by inserting ''all'' before ''private sector'';

(B) by inserting '', including small employers,'' after ''private sector employers''; and

(C) by striking the period and inserting '', taking into account the unique needs of small businesses.''; and

(4) by adding at the end the following:

''(9) TECHNOLOGY IMPROVEMENTS.—The local board shall develop strategies for technology improvements to facilitate access to services, in remote areas, for services authorized under this subtitle and carried out in the local area.''.

(e) CONFORMING AMENDMENT.—Section 117(f)(2) (29 U.S.C. 2832(f)(2)) is amended by striking ''described in section 134(c)''.

(f) AUTHORITY TO ESTABLISH COUNCILS AND ELIMINATION OF REQUIREMENT FOR YOUTH COUNCILS.—Section 117(h) (29 U.S.C. 2832(h)) is amended to read as follows:

''(h) COUNCILS.—The local board may establish or continue councils to provide information and advice to assist the local board in carrying out activities under this title. Such councils may include—

''(1) a council composed of one-stop partners to advise the local board on the operation of the one-stop delivery system involved;

''(2) a youth council composed of experts and stakeholders in youth programs to advise the local board on youth activities; and

''(3) such other councils as the local board determines are appropriate.''.

(g) ALTERNATIVE ENTITY PROVISION.—Section 117(i)(1) (29 U.S.C. 2832(i)(1)) is amended—

(1) by striking subparagraph (B) and inserting the following:

''(B) was in existence on August 7, 1998, pursuant to State law; and'';

(2) by striking subparagraph (C); and

(3) by redesignating subparagraph (D) as subparagraph (C).

SEC. 116. LOCAL PLAN.

(a) PLANNING CYCLE.—Section 118(a) (29 U.S.C. 2833(a)) is amended—

(1) by striking ''5-year'' and inserting ''4-year''; and

(2) by adding at the end the following: ''At the end of the first 2-year period of the 4-year plan, the local board shall review and, as needed, amend the 4-year plan to reflect labor market and economic conditions.''.

(b) CONTENTS.—Section 118(b) (29 U.S.C. 2833(b)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking ''and'' after the semicolon;

(B) by striking subparagraph (B) and inserting the following:

''(B) a description of how the local board will facilitate access to services provided through the one-stop delivery system, in remote areas, including facilitating access through the use of technology; and''; and

(C) by adding at the end the following:

''(C) a description of how the local board will ensure physical and programmatic assessability for individuals with disabilities at one-stop centers;'';

(2) in paragraph (9), by striking ''; and'' and inserting a semicolon;

(3) by redesignating paragraph (10) as paragraph (14); and

(4) by inserting after paragraph (9) the following:

''(10) a description of how the local board will coordinate workforce investment activities carried out in the local area with economic development activities carried out in the local area;

''(11) a description of the strategies and services that will be initiated in the local area to more fully engage all employers, including small employers, in workforce development activities, to make the workforce investment system more relevant to the needs of area businesses, and to better coordinate workforce investment and economic development efforts, which may include the implementation of innovative initiatives such as incumbent worker training programs, sectoral and industry cluster strategies, regional skills alliances, career ladder programs, utilization of effective business intermediaries, and other business services and strategies designed to meet the needs of area employers and contribute to the economic well being of the local area, as determined appropriate by the local board, consistent with the purposes of this Act;

''(12) a description of how the local board will expand access to education and training services for eligible individuals who are in need of such services through—

''(A) the utilization of programs funded under this title ; and

''(B) the increased leveraging of resources other than those provided under this title, including tax credits, private sector-provided training, and other Federal, State, local, and private funding sources that are brokered through the one-stop centers for training;

''(13) a description of how the local board will coordinate workforce investment activities carried out in the local area with the provision of transportation, including public transportation, in the local area; and''.

SEC. 117. ESTABLISHMENT OF ONE-STOP DELIVERY SYSTEMS.

(a) ONE-STOP PARTNERS.—

(1) REQUIRED PARTNERS.—Section 121(b)(1) (29 U.S.C. 2841(b)(1)) is amended—

(A) by striking subparagraph (A) and inserting the following:

''(A) ROLES AND RESPONSIBILITIES OF ONE-STOP PARTNERS.—Each entity that carries out a program or activities described in subparagraph (B) shall—

''(i) provide access through the one-stop delivery system to the programs and activities carried out by the entity, including making the core services described in section 134(d)(2) that are applicable to the program of the entity available at the comprehensive one-stop centers (in addition to any other appropriate locations);

''(ii) use a portion of the funds available to the program of the entity to maintain the one-stop delivery system, including payment of the infrastructure costs of one-stop centers in accordance with subsection (h);

''(iii) enter into the local memorandum of understanding with the local board relating to the operation of the one-stop system that meets the requirements of subsection (c);

''(iv) participate in the operation of the one-stop system consistent with the terms of the memorandum of understanding, the requirements of this title, and the requirements of the Federal laws authorizing the programs carried out by the entity; and

''(v) provide representation on the State board to the extent provided under section 111.'';

(B) in subparagraph (B)—

(i) by striking clause (v);

(ii) by redesignating clauses (vi) through (xii) as clauses (v) through (xi), respectively;

(iii) in clause (x) (as redesignated by clause (ii)), by striking ''and'' at the end;

(iv) in clause (xi) (as redesignated by clause (ii)), by striking the period and inserting ''; and''; and

(v) by adding at the end the following:

''(xii) programs authorized under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), subject to subparagraph (C).''; and

(C) by adding at the end the following:

''(C) DETERMINATION BY THE GOVERNOR.—

''(i) IN GENERAL.—An entity that carries out programs referred to in subparagraph (B)(xii) shall be included in the one-stop partners for the local area, as a required partner, for purposes of this title unless the Governor of the State provides the notification described in clause (ii).

''(ii) NOTIFICATION.—The notification referred to in clause (i) is a notification that—

''(I) is made in writing of a determination by the Governor not to include such entity in the one-stop partners described in clause (i); and

''(II) is provided to the Secretary and the Secretary of Health and Human Services.''.

(2) ADDITIONAL PARTNERS.—

(A) IN GENERAL.—Section 121(b)(2)(A) (29 U.S.C. 2841(b)(2)(A)) is amended to read as follows:

''(A) IN GENERAL.—With the approval of the local board and chief elected official, in addition to the entities described in paragraph (1), other entities that carry out a human resource program described in subparagraph (B) may be a one-stop partner and carry out the responsibilities described in paragraph (1)(A).''.

(B) ADDITIONAL PARTNERS.—Section 121(b)(2)(B) (29 U.S.C. 2841(b)(2)(B)) is amended—

(i) by redesignating clauses (iv) and (v) as clauses (v) and (vi), respectively; and

(ii) by striking clauses (i) through (iii) and inserting the following:

''(i) employment and training programs administered by the Social Security Administration, including the Ticket to Work and Self-Sufficiency program established under section 1148 of the Social Security Act (42 U.S.C. 1320b–19);

''(ii) programs carried out in the local area for individuals with disabilities, including programs carried out by State agencies relating to mental retardation and developmental disabilities, Statewide Independent Living Councils established under section 705 of the Rehabilitation Act of 1973 (29 U.S.C. 796d), and centers for independent living defined in section 702 of the Rehabilitation Act of 1973 (29 U.S.C. 796a);

''(iii) employment and training programs carried out by the Small Business Administration;

''(iv) programs authorized under section 6(d)(4) of the Food Stamp Act of 1977 (7 U.S.C. 2015(d)(4));''.

(b) LOCAL MEMORANDUM OF UNDERSTANDING.—

(1) CONTENTS OF MEMORANDUM.—Section 121(c)(2)(A) (29 U.S.C. 2841(c)(2)(A)) is amended to read as follows:

''(A) provisions describing—

''(i) the services to be provided through the one-stop delivery system consistent with the requirements of this section, including the manner in which the services will be coordinated through such system;

''(ii) how the costs of such services and the operating costs of such system will be funded to provide a stable and equitable funding stream for ongoing one-stop system operations, including the funding of the infrastructure costs of one-stop centers in accordance with subsection (h);

''(iii) methods of referral of individuals between the one-stop operator and the one-stop partners for appropriate services and activities;

''(iv) methods to ensure the needs of hard-to-serve populations are addressed in accessing services through the one-stop system; and

''(v) the duration of the memorandum of understanding and the procedures for amending the memorandum during the term of the memorandum, and assurances that such memorandum shall be reviewed not less than once every 2-year period to ensure appropriate funding and delivery of services; and''.

(c) CONFORMING AMENDMENT.—Section 121(d)(2) (29 U.S.C. 2841(d)(2)) is amended by striking ''section 134(c)'' and inserting ''section 121(e)''.

(d) PROVISION OF SERVICES.—

(1) ELIMINATION OF PROVISIONS CONCERNING ESTABLISHED SYSTEMS.—Section 121 (29 U.S.C. 2841) is amended by striking subsection (e).

(2) REDESIGNATION.—Subtitle B of title I is amended—

(A) in section 134 (29 U.S.C. 2864), by redesignating subsection (c) as subsection (e); and

(B) by transferring that subsection (e) so that the subsection appears after subsection (d) of section 121.

(3) ONE-STOP DELIVERY SYSTEMS.—Paragraph (1) of section 121(e) (29 U.S.C. 2841(e)) (as redesignated by paragraph (2)) is amended—

(A) in subparagraph (A), by striking ''subsection (d)(2)'' and inserting ''section 134(d)(2)'';

(B) in subparagraph (B)—

(i) by striking ''subsection (d)'' and inserting ''section 134(d)'';

(ii) by striking ''individual training accounts'' and inserting ''career scholarship accounts''; and

(iii) by striking ''subsection (d)(4)(G)'' and inserting ''section 134(d)(4)(G)'';

(C) in subparagraph (C), by striking ''subsection (e)'' and inserting ''section 134(e)'';

(D) in subparagraph (D), by striking ''section 121(b)'' and inserting ''subsection (b)''; and

(E) in subparagraph (E), by striking ''information described in section 15'' and inserting ''data, information, and analysis described in section 15(a)''.

(e) CONTINUOUS IMPROVEMENT OF ONE-STOP CENTERS.—Section 121 (29 U.S.C. 2841) is amended by adding at the end the following:

''(g) CONTINUOUS IMPROVEMENT OF ONE-STOP CENTERS.—

''(1) IN GENERAL.—The State board, in consultation with chief local elected officials and local boards, shall establish procedures and objective criteria for use by local boards in periodically assessing the effectiveness, physical and programmatic accessibility, and continuous improvement of one-stop centers and one-stop delivery systems.

''(2) CRITERIA.—The procedures and criteria developed under this subsection shall include minimum standards relating to the scope and degree of service coordination achieved by the one-stop delivery system with respect to the programs administered by the one-stop partners at the one-stop centers, consistent with the guidance provided by the Governor and by the State board, in consultation with the chief elected official and local boards, for such partners' participation under subsections (h)(1)(B) and subsection (i), respectively, and such other factors relating to the quality, accessibility, and effectiveness of the one-stop delivery system as the State board determines appropriate.

''(3) LOCAL BOARDS.—Consistent with the criteria developed by the State, the local board may develop additional criteria of higher standards to respond to local labor market and demographic conditions and trends.

''(h) FUNDING OF ONE-STOP INFRASTRUCTURE AND OTHER COSTS.—

''(1) IN GENERAL.—

''(A) OPTIONS FOR INFRASTRUCTURE FUNDING.—

''(i) LOCAL OPTIONS.—The local board, chief elected officials, and one-stop partners in a local area may choose to fund the costs of the infrastructure of one-stop centers through—

''(I) alternative methods described in the local memorandum of understanding, if one-stop partners, the local board, and chief elected official agree to such alternative methods; or

''(II) the State infrastructure funding mechanism described in paragraph (2).

''(ii) FAILURE TO REACH AGREEMENT ON FUNDING METHODS.—If, as of July 1, 2004, the local board, chief elected official, and one-stop partners in a local area fail to reach agreement on methods of funding the infrastructure costs of one-stop centers, the State infrastructure funding mechanism described in paragraph (2) shall be applicable to such local area.''.

''(B) GUIDANCE FOR INFRASTRUCTURE FUNDING.—In addition to carrying out the requirements relating the State mechanism for one-stop center infrastructure funding described in paragraph (2), the Governor, after consultation with chief local elected official, local boards, and the State board, and consistent with the guidelines provided by the State board under subsection (i), shall provide—

''(i) guidelines for State administered one-stop partner programs in determining such program's contributions to and participation in the one-stop delivery system, including funding for the costs of infrastructure as described in paragraph (4), negotiated pursuant to the local memorandum of understanding under subsection (b); and

''(ii) guidance to assist local areas in identifying equitable and stable alternative methods of funding of the costs of the infrastructure of one-stop centers in local areas.

''(2) STATE ONE-STOP INFRASTRUCTURE FUNDING.—

''(A) PARTNER CONTRIBUTIONS.—

''(i) IN GENERAL.—Notwithstanding any other provision of law, but subject to clause (iii), a portion determined under clause (ii) of the Federal funds provided to the State and areas within the State under the Federal laws authorizing the programs described in subsection (b) and administered by one-stop partners for a fiscal year shall be provided to the Governor from such programs to assist in paying the costs of infrastructure of one-stop centers in those local areas of the State not funded under the option described in paragraph (1)(B)(i)(I).

''(ii) DETERMINATION OF GOVERNOR.—

''(I) IN GENERAL.—Subject to subclause (II) and clause (iii), the Governor, after consultation with chief local elected officials, local boards, and the State board, shall determine the portion of funds to be provided under clause (i) by each one-stop partner from each program described in clause (i). In making such determination, the Governor shall consider the proportionate use of the one-stop centers pursuant to clause (i)(II) or (ii) of paragraph (1)(A) by each partner, the costs of administration for purposes not related to one-stop centers for each partner, and other relevant factors described in paragraph (3). The Governor shall exclude from such determination the portion of funds and use of one-stop centers attributable to the programs of one-stop partners for those local areas of the State where the infrastructure of one-stop centers is funded under the option described in paragraph (1)(B)(i)(I).

''(II) SPECIAL RULE.—In a State in which the State constitution places policymaking authority that is independent of the authority of the Governor in an entity or official with respect to the funds provided for adult education and literacy activities authorized under title II and for postsecondary vocational and technical education activities authorized under the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2301 et seq.), or vocational rehabilitation services offered under the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), the determination described in subclause (I) with respect to the programs authorized under that title and that Act shall be made by the Governor and the appropriate entity or official with such independent policymaking authority.

''(III) APPEAL BY ONE-STOP PARTNERS.—The Governor shall establish a procedure for the one-stop partner administering a program described in subsection (b) to appeal a determination regarding the portion of funds to be contributed under this paragraph on the basis that such determination is inconsistent with the criteria described in the State plan or with the requirements of this paragraph. Such procedure shall ensure prompt resolution of the appeal.

''(iii) LIMITATIONS.—

''(I) PROVISION FROM ADMINISTRATIVE FUNDS.—The funds provided under this paragraph by each one-stop partner shall be provided only from funds available for the costs of administration under the program administered by such partner, and shall be subject to the program limitations with respect to the portion of funds under such program that may be used for administration.

''(II) CAP ON REQUIRED CONTRIBUTIONS.—

''(aa) WIA FORMULA PROGRAMS AND EMPLOYMENT SERVICE.—The portion of funds required to be contributed under this paragraph by the programs authorized under chapters 4 and 5 of this title and under the Wagner-Peyser Act shall not be in excess of 3 percent of the amount of Federal funds provided to carry out each such program in the State for a fiscal year.

''(bb) OTHER ONE-STOP PARTNERS.—The portion of funds required to be contributed under paragraph (1)(B)(ii) by a one-stop partner from a program described in subsection (b)(1) other than the programs described under item (aa) shall not be in excess of 1 and ½ percent of the amount of Federal funds provided to carry out such program in the State for a fiscal year.

''(cc) SPECIAL RULE.—Notwithstanding items (aa) and (bb), an agreement, including local memorandums of understanding, entered into prior to the date of enactment of the Workforce Investment Act Amendments of 2003 by an entity regarding contributions under this title that permits the percentages described in such items to be exceeded, may continue to be in effect until terminated by the parties.

''(dd) VOCATIONAL REHABILITATION.—Notwithstanding items (aa) and (bb), an entity administering a program under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.) shall not be required to provide, for the purposes of this paragraph, an amount in excess of—

''(AA) 0.75 percent of the amount provided for such program in the State for the second program year that begins after the date of enactment of the Workforce Investment Act Amendments of 2003;

''(BB) 1.0 percent of the amount provided for such program in the State for the third program year that begins after such date;

''(CC) 1.25 percent of the amount provided for such program in the State for the fourth program year that begins after such date; and

''(DD) 1.5 percent of the amount provided for such program in the State for the fifth and each succeeding program year that begins after such date.

''(III) FEDERAL DIRECT SPENDING PROGRAMS.—An entity administering a program funded with direct spending as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)(8)) shall not be required to provide, for purposes of this paragraph, an amount in excess of the amount determined to be equivalent to the cost of the proportionate use of the one-stop centers for such program in the State.

''(IV) NATIVE AMERICAN PROGRAMS.—Native American programs established under section 166 shall not be subject to the provisions of this subsection or subsection (i). The method for determining the appropriate portion of funds to be provided by such Native American programs to pay for the costs of infrastructure of a one-stop center certified under subsection (g) shall be determined as part of the development of the memorandum of understanding under subsection (c) for the one-stop center and shall be stated in the memorandum.

''(B) ALLOCATION BY GOVERNOR.—From the funds provided under subparagraph (A), the Governor shall allocate the funds to local areas in accordance with the formula established under subparagraph (C) for the purposes of assisting in paying the costs of infrastructure of one-stop centers.

''(C) ALLOCATION FORMULA.—The State board shall develop a formula to be used by the Governor to allocate the funds provided under subparagraph (A) to local areas not funding infrastructure costs under the option described in paragraph (1)(B)(i)(II). The formula shall be based on factors including the number of one-stop centers in a local area, the population served by such centers, the services provided by such centers, and other factors relating to the performance of such centers that the State board determines are appropriate.

''(D) COSTS OF INFRASTRUCTURE.—In this subsection, the term 'costs of infrastructure', used with respect to a one-stop center, means the nonpersonnel costs that are necessary for the general operation of the one-stop center, including the rental costs of the

facilities, the costs of utilities and maintenance, equipment (including adaptive technology for individuals with disabilities), and technology to facilitate remote access to the one-stop center's strategic planning activities, and common outreach activities.

''(i) OTHER FUNDS.—

''(1) IN GENERAL.—In addition to the funds provided to carry out subsection (h), a portion of funds made available under Federal law authorizing the programs described in subsection (b) and administered by one-stop partners, or the noncash resources available under such programs, shall be used to pay the additional costs relating to the operation of the one-stop delivery system involved that are not paid from the funds provided under subsection (h), as determined in accordance with paragraph (2), to the extent not inconsistent with the Federal law involved. Such costs shall include the costs of the provision of core services described in section 134(d)(2) applicable to each program and may include—

''(A) costs of infrastructure, as defined in subsection (h), that are in excess of the amount of funds provided under subsection (h); and

''(B) common costs that are in addition to the costs of infrastructure that are not paid from the funds provided under subsection (h).

''(2) DETERMINATION AND GUIDANCE.—The method for determining the appropriate portion of funds and noncash resources to be provided by each program under paragraph (1) for a one-stop center shall be determined as part of the development of the memorandum of understanding under subsection (c) for the one-stop center and shall be stated in the memorandum. The State board shall provide guidance to facilitate the determination of an appropriate allocation of the funds and noncash resources in local areas.''.

SEC. 118. ELIGIBLE PROVIDERS OF TRAINING SERVICES.

Section 122 (29 U.S.C. 2842) is amended to read as follows:

''SEC. 122. IDENTIFICATION OF ELIGIBLE PROVIDERS OF TRAINING SERVICES.

''(a) IN GENERAL.—The Governor, after consultation with the State board, shall establish criteria and procedures regarding the eligibility of providers of training services described in section 134(d)(4) (referred to in this section as 'training services') to receive funds provided under section 133(b) for the provision of training services.

''(b) CRITERIA.—

''(1) IN GENERAL.—The criteria established by the Governor pursuant to subsection (a) shall take into account—

''(A) the performance of providers of training services with respect to the performance measures described in section 136 or other appropriate measures of performance outcomes for those individuals receiving training services under this subtitle (taking into consideration the characteristics of the population served and relevant economic conditions);

''(B) the need to ensure access to training services throughout the State, including any rural areas;

''(C) the information such providers are required to report to State agencies with respect to Federal and State programs (other than the program carried out under this subtitle), including partner programs;

''(D) the requirements for State licensing of providers of training services, and the licensing status of each provider of training services if applicable;

''(E) to the extent practicable, encouraging the use of industry recognized standards and certification;

''(F) the ability to provide training services to hard-to-serve populations, including individuals with disabilities; and

''(G) such other factors as the Governor determines are appropriate to ensure—

''(i) the quality of services provided;

''(ii) the accountability of the providers;

''(iii) that the one-stop centers in the State will ensure that such providers meet the needs of local employers and participants;

''(iv) the informed choice of participants under chapter 5; and

''(v) that the collection of information required is not unduly burdensome or costly to providers.

''(2) INFORMATION AND RENEWAL.—The criteria established by the Governor shall require that a provider of training services submit appropriate, accurate, and timely information to the State for purposes of carrying out subsection (d). The criteria shall also provide for annual review and renewal of eligibility under this section for providers of training services.

''(3) LOCAL CRITERIA.—A local board in the State may establish criteria in addition to the criteria established by the Governor, or may require higher levels of performance than required under the criteria established by the Governor, for purposes of determining the eligibility of providers of training services to receive funds described in subsection (a) to provide the services in the local areas involved.

''(c) PROCEDURES.—The procedures established under subsection (a) shall identify the application process for a provider of training services to become eligible to receive funds provided under section 133(b) for the provision of training services, and identify the respective roles of the State and local areas in receiving and reviewing the applications and in making determinations of such eligibility based on the criteria established under this section. The procedures shall also establish a process for a provider of training services to appeal a denial or termination of eligibility under this section, that includes an opportunity for a hearing and prescribes appropriate time limits to ensure prompt resolution of the appeal.

''(d) INFORMATION TO ASSIST PARTICIPANTS IN CHOOSING PROVIDERS.—

''(1) IN GENERAL.—In order to facilitate and assist participants in choosing employment and training activities under chapter 5 and in choosing providers of training services, the Governor shall ensure that an appropriate list of providers determined to be eligible under this section in the State, accompanied by appropriate information provided by providers of training in the State in accordance with subsection (b) and such other information as the Governor determines is appropriate, including information on program costs for participants in applicable programs, is provided to the one-stop delivery system in the State. The list and the information shall be made available to such participants and to members of the public through the one-stop delivery system in the State.

''(2) SPECIAL RULE.—An entity that carries out programs under the Act of August 16, 1937 (commonly known as the 'National Apprenticeship Act', 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.) shall be included on the list of eligible providers described in paragraph (1) for so long as such entity remains certified by the Department of Labor.

''(e) ENFORCEMENT.—

''(1) IN GENERAL.—The criteria and procedures established under this section shall provide the following:

''(A) INTENTIONALLY SUPPLYING INACCURATE INFORMATION.—Upon a determination that a provider of training services, or individual providing information on behalf of the provider, intentionally supplied inaccurate information under this section, the eligibility of such provider to receive funds under chapter 5 shall be terminated for a period of time that is not less than 2 years.

''(B) SUBSTANTIAL VIOLATIONS.—Upon a determination that a provider of training services substantially violated any requirement under this title, the eligibility of such provider to receive funds under the program involved may be terminated, or other appropriate action may be taken.

''(C) REPAYMENT.—A provider of training services whose eligibility is terminated under subparagraph (A) or (B) shall be liable for the repayment of funds received under chapter 5 during a period of noncompliance described in such paragraph.

''(2) CONSTRUCTION.—Paragraph (1) shall be construed to provide remedies and penalties that supplement, but do not supplant, other civil and criminal remedies and penalties.''.

''(f) AGREEMENTS WITH OTHER STATES.—States may enter into agreements, on a reciprocal basis, to permit eligible providers of training services to accept career scholarship accounts provided in another State.

''(g) OPPORTUNITY TO SUBMIT COMMENTS.—In establishing criteria, procedures, and information required under this section, the Governor shall provide an opportunity for interested members of the public to make recommendations and submit comments regarding such criteria, procedures, and information.

''(h) TRANSITION PERIOD FOR IMPLEMENTATION.—The requirements of this section shall be implemented not later than December 31, 2004. In order to facilitate early implementation of this section, the Governor may establish transition procedures under which providers eligible to provide training services under chapter 5 of this title as such chapter was in effect on the day before the date of enactment of the Workforce Investment Act Amendments of 2003 may continue to be eligible to provide such services until December 31, 2004, or until such earlier date as the Governor determines appropriate.

''(i) ON-THE-JOB TRAINING OR CUSTOMIZED TRAINING EXCEPTION.—

''(1) IN GENERAL.—Providers of on-the-job training or customized training shall not be subject to the requirements of subsections (a) through (h).

''(2) COLLECTION AND DISSEMINATION OF INFORMATION.—A one-stop operator in a local area shall collect such performance information from on-the-job training and customized training providers as the Governor may require, determine whether the providers meet such performance criteria as the Governor may require, and disseminate information identifying providers that meet the criteria as eligible providers, and the performance information, through the one-stop delivery system. Providers determined to meet the criteria shall be considered to be identified as eligible providers of training services.''.

SEC. 119. ELIGIBLE PROVIDERS OF YOUTH ACTIVITIES.

Section 123 (29 U.S.C. 2843) is amended to read as follows:

''SEC. 123. ELIGIBLE PROVIDERS OF YOUTH ACTIVITIES.

''(a) IN GENERAL.—From the funds allocated under section 128(b) to a local area, the local board for such area shall award grants or contracts on a competitive basis to providers of youth activities identified based on the criteria in the State plan described in section 112 and shall conduct oversight with respect to such providers.

''(b) EXCEPTIONS.—A local board may award grants or contracts on a sole-source basis if such board determines there is an insufficient number of eligible providers of youth activities in the local area involved (such as a rural area) for grants and contracts to be awarded on a competitive basis under subsection (a).''.

SEC. 120. YOUTH ACTIVITIES.

(a) STATE ALLOTMENTS.—Section 127 (29 U.S.C. 2852) is amended—

(1) in subsection (a)(1), by striking ''opportunity'' and inserting ''challenge''; and

(2) by striking subsection (b) and inserting the following:

''(b) ALLOTMENT AMONG STATES.—

''(1) YOUTH ACTIVITIES.—

''(A) YOUTH CHALLENGE GRANTS.—

''(i) IN GENERAL.—For each fiscal year in which the amount appropriated under section 137(a) exceeds $1,000,000,000, the Secretary shall reserve a portion of the amount to provide youth challenge grants and other activities under section 169 (relating to youth challenge grants) and provide youth activities under section 167 (relating to migrant and seasonal farmworker programs).

''(ii) PORTION.—The portion referred to in clause (i) shall equal, for a fiscal year—

''(I) except as provided in subclause (II), the difference obtained by subtracting $1,000,000,000 from the amount appropriated under section 137(a) for the fiscal year; or

''(II) for any fiscal year in which the amount is $1,250,000,000 or greater, $250,000,000.

''(iii) YOUTH ACTIVITIES FOR FARMWORKERS.—The Secretary shall reserve the greater of $10,000,000 or 4 percent of the portion described in clause (i) for a fiscal year to provide youth activities under section 167.

''(iv) NATIVE AMERICANS.—From the remainder of the amount appropriated under section 137(a) for each fiscal year the Secretary shall reserve not more than 1½ percent of such amount to provide youth activities under section 166 (relating to native Americans).

''(B) OUTLYING AREAS.—

''(i) IN GENERAL.—From the amount made available under subsection (a)(2) for each fiscal year the Secretary shall reserve not more than ¼ of 1 percent of the amount appropriated under section 137(a) for the fiscal year to provide assistance to the outlying areas to carry out youth activities and statewide workforce investment activities.

''(ii) LIMITATION FOR FREELY ASSOCIATED STATES.—

''(I) COMPETITIVE GRANTS.—The Secretary shall use funds described in clause (i)(II) to award grants to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Freely Associated States to carry out youth activities and statewide workforce investment activities.

''(II) AWARD BASIS.—The Secretary shall award grants pursuant to subclause (I) on a competitive basis and pursuant to the recommendations of experts in the field of employment and training, working through the Pacific Region Educational Laboratory in Honolulu, Hawaii.

''(III) ASSISTANCE REQUIREMENTS.—Any Freely Associated State that desires to receive assistance under this subparagraph shall submit an application to the Secretary and shall include in the application for assistance—

''(aa) information demonstrating that the Freely Associated State will meet all conditions that apply to States under this title;

''(bb) an assurance that, notwithstanding any other provision of this title, the Freely Associated State will use such assistance only for the direct provision of services; and

''(cc) such other information and assurances as the Secretary may require.

''(IV) ADMINISTRATIVE COSTS.—The Secretary may provide not more than 5 percent of the funds made available for grants under subclause (I) to pay the administrative costs of the Pacific Region Educational Laboratory in Honolulu, Hawaii, regarding activities assisted under this clause.

''(iii) ADDITIONAL REQUIREMENT.—The provisions of Public Law 95–134, permitting the consolidation of grants by the outlying areas, shall not apply to assistance provided to those areas, including the Freely Associated States, under this subparagraph.

''(C) STATES.—

''(i) IN GENERAL.—From the remainder of the amount appropriated under section 137(a) for a fiscal year that exists after the Secretary determines the amounts to be reserved under subparagraphs (A) and (B), the Secretary shall allot to the States—

''(I) an amount of the remainder that is less than or equal to the total amount that was allotted to States for fiscal year 2003 under section 127(b)(1)(C) of this Act (as in effect on the day before the date of enactment of the Workforce Investment Act Amendments of 2003), in accordance with the requirements of such section 127(b)(1)(C); and

''(II) the amount of the remainder, if any, in excess of the amount referred to in subclause (I), in accordance with clause (ii).

''(ii) FORMULA.—Subject to clauses (iii) and (iv), of the amount described in clause (i)(II)—

''(I) 33⅓ percent shall be allotted on the basis of the relative number of individuals in the civilian labor force who are ages 16 through 21 in each State, compared to the total number of individuals in the civilian labor force who are ages 16 through 21 in all States;

''(II) 33⅓ percent shall be allotted on the basis of the relative number of unemployed individuals in each State, compared to the total number of unemployed individuals in all States; and

''(III) 33⅓ percent shall be allotted on the basis of the relative number of disadvantaged youth who are ages 16 through 21 in each State, compared to the total number of disadvantaged youth who are ages 16 through 21 in all States.

''(iii) MINIMUM AND MAXIMUM PERCENTAGES.—

''(I) MINIMUM PERCENTAGE.—The Secretary shall ensure that no State shall receive an allotment percentage under this subparagraph for a fiscal year that is less than 90 percent of the allotment percentage of the State for the preceding fiscal year.

''(II) MAXIMUM PERCENTAGE.—Subject to subclause (I), the Secretary shall ensure that no State shall receive an allotment percentage under this subparagraph for a fiscal year that is more than 130 percent of the allotment percentage of the State for the preceding fiscal year.

''(iv) SMALL STATE MINIMUM ALLOTMENT.—Subject to clause (iii), the Secretary shall ensure that no State shall receive an allotment under this subparagraph that is less than the total of—

''(I) 3/10 of 1 percent of $1,000,000,000 of the remainder described in clause (i) for the fiscal year; and

''(II) if the remainder described in clause (i) for the fiscal year exceeds $1,000,000,000, ⅖ of 1 percent of the excess.

''(2) DEFINITIONS.—For the purposes of paragraph (1):

''(A) ALLOTMENT PERCENTAGE.—The term 'allotment percentage', used with respect to fiscal year 2004 or a subsequent fiscal year, means a percentage of the remainder described in paragraph (1)(C)(i) that is received by the State involved through an allotment made under this subsection for the fiscal year. The term, used with respect to fiscal year 2003, means the percentage of the amounts allotted to States under this chapter (as in effect on the day before the date of enactment of the Workforce Investment Act Amendments of 2003) that is received by the State involved for fiscal year 2003.

''(B) DISADVANTAGED YOUTH.—Subject to paragraph (3), the term 'disadvantaged youth' means an individual who is age 16 through 21 who received an income, or is a member of a family that received a total family income, that, in relation to family size, does not exceed the poverty line.

''(C) FREELY ASSOCIATED STATES.—The term 'Freely Associated States' means the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

''(3) SPECIAL RULE.—For purposes of the formula specified in paragraph (1)(C), the Secretary shall, as appropriate and to the extent practicable, exclude college students and members of the Armed Forces from the determination of the number of disadvantaged youth.''.

(b) REALLOTMENT.—

(1) AMENDMENT.—Section 127(c) (29 U.S.C. 2852(c)) is amended—

(A) by striking paragraph (2) and inserting the following:

''(2) AMOUNT.—The amount available for reallotment for a program year is equal to the amount by which the unexpended balance at the end of the program year prior to the program year for which the determination is made exceeds 30 percent of the total amount of funds available to the State under this section during such prior program year (including amounts allotted to the State in all prior program years that remained available). For purposes of this paragraph, the unexpended balance is the amount that is the difference between—

''(A) the total amount of funds available to the State under this section during the program year prior to the program year for which the determination is made (including amounts allotted to the State in all prior program years that remained available); and

''(B) the accrued expenditures during such prior program year.'';

(B) in paragraph (3)—

(i) by striking ''for the prior program year'' and inserting ''for the program year for which the determination is made''; and

(ii) by striking ''such prior program year'' and inserting ''such program year'';

(C) by striking paragraph (4) and inserting the following:

''(4) ELIGIBILITY.—For purposes of this subsection, an eligible State means a State that does not have an amount available for reallotment under paragraph (2) for the program year for which the determination under paragraph (2) is made.''; and

(D) in paragraph (5), by striking ''obligation'' and inserting ''expenditure''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1)(C) shall take effect for the later of—

(A) the program year that begins after the date of enactment of this Act; or

(B) program year 2004.

(c) WITHIN STATE ALLOCATIONS.—

(1) RESERVATION FOR STATEWIDE ACTIVITIES.—Section 128(a) (29 U.S.C. 2853(a)) is amended to read as follows:

''(a) RESERVATIONS FOR STATEWIDE ACTIVITIES.—

''(1) IN GENERAL.—The Governor of a State shall reserve not more than 15 percent of each of the amounts allotted to the State under section 127(b)(1)(C) and paragraphs (1)(B) and (2)(B) of section 132(b) for a fiscal year for statewide workforce investment activities.

''(2) USE OF FUNDS.—Regardless of whether the reserved amounts were allotted under section 127(b)(1)(C), or under paragraph (1)(B) or (2)(B) of section 132(b), the Governor may use the reserved amounts to carry out statewide youth activities under section 129(b) or

statewide employment and training activities, for adults or dislocated workers, under section 134(a).''.

(2) WITHIN STATE ALLOCATION.—Section 128(b) (29 U.S.C. 2853(b)) is amended to read as follows:

''(b) WITHIN STATE ALLOCATIONS.—

''(1) IN GENERAL.—Of the amount allotted to the State under section 127(b)(1)(C) and not reserved under subsection (a)(1)—

''(A) a portion equal to not less than 80 percent of such amount shall be allocated by the Governor to local areas in accordance with paragraph (2); and

''(B) a portion equal to not more than 20 percent of such amount may be allocated by the Governor to local areas in accordance with paragraph (3).

''(2) ESTABLISHED FORMULA.—

''(A) IN GENERAL.—Of the portion described in paragraph (1)(A), the Governor shall allocate—

''(i) 33⅓ percent on the basis of the relative number of individuals in the civilian labor force who are ages 16 through 21 in each local area, compared to the total number of individuals in the civilian labor force who are ages 16 through 21 in all local areas in the State;

''(ii) 33⅓ percent on the basis of the relative number of unemployed individuals in each local area, compared to the total number of unemployed individuals in all local areas in the State; and

''(iii) 33⅓ percent on the basis of the relative number of disadvantaged youth who are ages 16 through 21 in each local area, compared to the total number of disadvantaged youth who are ages 16 through 21 in all local areas in the State.

''(B) MINIMUM AND MAXIMUM PERCENTAGES.—

''(i) MINIMUM PERCENTAGE.—The Governor shall ensure that no local area shall receive an allocation percentage under this paragraph for a fiscal year that is less than 90 percent of the allocation percentage of the local area for the preceding fiscal year.

''(ii) MAXIMUM PERCENTAGE.—Subject to clause (i), the Governor shall ensure that no local area shall receive an allocation percentage under this paragraph for a fiscal year that is more than 130 percent of the allocation percentage of the local area for the preceding fiscal year.

''(C) DEFINITIONS.—In this paragraph:

''(i) ALLOCATION PERCENTAGE.—The term 'allocation percentage', used with respect to fiscal year 2004 or a subsequent fiscal year, means a percentage of the portion described in paragraph (1)(A) that is received by the local area involved through an allocation made under this paragraph for the fiscal year. The term, used with respect to fiscal year 2003, means the percentage of the amounts allocated to local areas under this chapter (as in effect on the day before the date of enactment of the Workforce Investment Act Amendments of 2003) that is received by the local area involved for fiscal year 2003.

''(ii) DISADVANTAGED YOUTH.—The term 'disadvantaged youth' means an individual who—

''(I) is age 16 through 21;

''(II) is not a college student or member of the Armed Forces; and

''(III) received an income, or is a member of a family that received a total family income, that, in relation to family size, does not exceed the poverty line.

''(3) YOUTH DISCRETIONARY ALLOCATION.—The Governor may allocate the portion described in paragraph (1)(B) to local areas where there are a significant number of eligible youth, after consultation with the State board and local board.

''(4) LOCAL ADMINISTRATIVE COST LIMIT.—

''(A) IN GENERAL.—Of the amount allocated to a local area under this subsection and section 133(b) for a fiscal year, not more than 10 percent of the amount may be used by the local board involved for the administrative costs of carrying out local workforce investment activities under this chapter or chapter 5.

''(B) USE OF FUNDS.—Funds made available for administrative costs under subparagraph (A) may be used for the administrative costs of any of the local workforce investment activities described in this chapter or chapter 5, regardless of whether the funds were allocated under this subsection or section 133(b).''.

(3) REALLOCATION.—

(A) AMENDMENT.—Section 128(c) (29 U.S.C. 2853(c)) is amended—

(i) in paragraph (1), by striking ''paragraph (2)(A) or (3) of'';

(ii) by striking paragraph (2) and inserting the following:

''(2) AMOUNT.—The amount available for reallocation for a program year is equal to the amount by which the unexpended balance at the end of the program year prior to the program year for which the determination is made exceeds 30 percent of the total amount of funds available to the local area under this section during such prior program year (including amounts allocated to the local area in all prior program years that remained available). For purposes of this paragraph, the unexpended balance is the amount that is the difference between—

''(A) the total amount of funds available to the local area under this section during the program year prior to the program year for which the determination is made (including amounts allocated to the local area in all prior program years that remained available); and

''(B) the accrued expenditures during such prior program year.'';

(iii) by amending paragraph (3)—

(I) by striking ''subsection (b)(3)'' each place it appears and inserting ''subsection (b)'';

(II) by striking ''for the prior program year'' and inserting ''for the program year for which the determination is made'';

(III) by striking ''such prior program year'' and inserting ''such program year''; and

(IV) by striking the last sentence; and

(iv) by striking paragraph (4) and inserting the following:

''(4) ELIGIBILITY.—For purposes of this subsection, an eligible local area means a local area that does not have an amount available for reallocation under paragraph (2) for the program year for which the determination under paragraph (2) is made.''.

(B) EFFECTIVE DATE.—The amendments made by subparagraph (A) shall take effect for the later of—

(i) the program year that begins after the date of enactment of this Act; or

(ii) program year 2004.

(d) YOUTH PARTICIPANT ELIGIBILITY.—Section 129(a) (29 U.S.C. 2854(a)) is amended to read as follows:

''(a) YOUTH PARTICIPANT ELIGIBILITY.—

''(1) ELIGIBILITY.—

''(A) IN GENERAL.—To be eligible to participate in activities carried out under this chapter during any program year an individual shall, at the time the eligibility determination is made, be an out-of-school youth or an in-school youth.

''(B) OUT-OF-SCHOOL YOUTH.—In this section the term 'out-of-school youth' means an individual who is—

''(i) not younger than age 16 (subject to paragraph (3)) nor older than age 21; and

''(ii) one of the following:

''(I) A school dropout.

''(II) A youth who is within the age for compulsory school attendance, but has not attended school for at least 1 school year calendar quarter.

''(III) A recipient of a secondary school diploma or its equivalent who is—

''(aa) deficient in basic skills, including limited English proficiency;

''(bb) a low-income individual; and

''(cc) not attending any school; or

''(IV) Subject to the juvenile justice system or ordered by a court to an alternative school.

''(V) A low-income individual who is pregnant or parenting and not attending any school.

''(VI) A youth who is not attending school or a youth attending an alternative school, who is homeless, a runaway, a foster child, a child eligible for assistance under section 477 of the Social Security Act, or in an out-of-home placement.

''(C) IN-SCHOOL YOUTH.—In this section the term 'in-school youth' means an individual who is—

''(i) not younger than age 14 nor older than age 21;

''(ii) a low-income individual; and

''(iii) one or more of the following:

''(I) Deficient in basic literacy skills, including limited English proficiency.

''(II) Homeless, a runaway, a foster child, a child eligible for assistance under section 477 of the Social Security Act, or in an out-of-home placement.

''(III) Pregnant or parenting.

''(IV) An offender (other than an individual described in subparagraph (B)(ii)(IV)).

''(V) An individual who requires additional assistance to complete an educational program, or to secure or hold employment.

''(2) EXCEPTION.—Not more than 5 percent of the individuals assisted under this section in each local area may be individuals who are not low-income with respect to individuals for whom low-income is a requirement for eligibility under this section.

''(3) LIMITATIONS ON ACTIVITIES FOR IN-SCHOOL YOUTH.—

''(A) IN GENERAL.—For any program year, not more than 60 percent of the funds available for statewide activities that serve youth under subsection (b), and not more than 60 percent of funds available to local areas under subsection (c), may be used to provide activities for in-school youth meeting the requirements of paragraph (1)(B).

''(B) EXCEPTION.—A State that receives a minimum allotment under section 127(b)(1) in accordance with section 127(b)(1)(C)(iv)(II) or under section 132(b)(1) in accordance with section 132(b)(1)(B)(iv)(II) may increase the percentage described in subparagraph (A) for a local area in the State, if—

''(i) after an analysis of the eligible youth population in the local area, the State determines that the local area will be unable to use at least 40 percent of the funds available for activities that serve youth under subsection (b) to serve out-of-school youth due to a low number of out-of-school youth; and

''(ii)(I) the State submits to the Secretary, for the local area, a request including a proposed reduced percentage for purposes of subparagraph (A), and the summary of the eligible youth population analysis; and

''(II) the request is approved by the Secretary.

''(4) CONSISTENCY WITH COMPULSORY SCHOOL ATTENDANCE LAWS.—In providing assistance under this section to an individual who is required to attend school under applicable State compulsory school attendance laws, the priority in providing such assistance shall be for the individual to attend school regularly.''.

(e) STATEWIDE ACTIVITIES.—Section 129(b) (29 U.S.C. 2854(b)) is amended to read as follows:

''(b) STATEWIDE ACTIVITIES.—

''(1) IN GENERAL.—Funds reserved by a Governor for a State as described in sections 128(a) and 133(a)(1) shall be used, regardless of whether the funds were allotted to the State under section 127(b)(1)(C) or under paragraph (1) or (2) of section 132(b) for statewide activities, which may include—

''(A) conducting—

''(i) evaluations under section 136(e) of activities authorized under this chapter and chapter 5 in coordination with evaluations carried out by the Secretary under section 172;

''(ii) research; and

''(iii) demonstration projects;

''(B) providing incentive grants to local areas for regional cooperation among local boards (including local boards in a designated region as described in section 116(c)), for local coordination of activities carried out under this title, and for exemplary performance by local areas under section 136(i)(2);

''(C) providing technical assistance and capacity building activities to local areas, one-stop operators, one-stop partners, and eligible providers, including the development and training of staff, the development of exemplary program activities, the provision of technical assistance to local areas that fail to meet local performance measures described in section 136(c), and the provision of technology to facilitate remote access to services provided through one-stop delivery systems;

''(D) operating a fiscal and management accountability information system under section 136(f);

''(E) carrying out monitoring and oversight of activities carried out under this chapter and chapter 5, which may include a review comparing the services provided to male and female youth;

''(F) providing additional assistance to local areas that have high concentrations of eligible youth;

''(G) supporting the development of alternative programs and other activities that enhance the choices available to eligible youth and encourage such youth to reenter secondary education, enroll in postsecondary education and advanced training, and obtain career path employment; and

''(H) supporting the provision of core services described in section 134(d)(2) in the one-stop delivery system in the State;

''(2) LIMITATION.—Not more than 5 percent of the funds allotted to a State under section 127(b)(1)(C) shall be used by the State for administrative activities carried out under this subsection or section 134(a).

''(3) PROHIBITION.—No funds described in this subsection may be used to develop or implement education curricula for school systems in the State.''.

(f) LOCAL ELEMENTS AND REQUIREMENTS.—

(1) PROGRAM DESIGN.—Section 129(c)(1) (29 U.S.C. 2854(c)(1)) is amended—

(A) in the matter that precedes subparagraph (A), by striking ''paragraph (2)(A) or (3), as appropriate, of'';

(B) in subparagraph (B), by inserting ''are directly linked to 1 or more of the performance measures relating to this chapter under section 136, and that'' after ''for each participant that''; and

(C) in subparagraph (C)—

(i) by redesignating clauses (i) through (iv) as clauses (ii) through (v), respectively;

(ii) by inserting before clause (ii) (as redesignated by clause (i)) the following:

''(i) activities leading to the attainment of a secondary school diploma or its equivalent, or another recognized credential;'';

(iii) in clause (ii) (as redesignated by clause (i)), by inserting ''and advanced training'' after ''opportunities'';

(iv) in clause (iii) (as redesignated by clause (i))—

(I) by inserting ''instruction based on State academic content and student academic achievement standards established under section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311)'' after ''academic''; and

(II) by inserting ''that lead to the attainment of recognized credentials'' after ''learning''; and

(v) by striking clause (v) (as redesignated by clause (i)) and inserting the following:

''(v) effective connections to all employers, including small employers, in sectors of the local and regional labor markets that are experiencing high growth in employment opportunities.''.

(2) PROGRAM ELEMENTS.—Section 129(c)(2) (29 U.S.C. 2854(c)(2)) is amended—

(A) in subparagraph (A), by striking ''secondary school, including dropout prevention strategies'' and inserting ''the requirements for a secondary school diploma or its recognized equivalent (including recognized alternative standards for individuals with disabilities) or for another recognized credential, including dropout prevention strategies'';

(B) in subparagraph (B), by inserting '', with a priority on exposing youth to technology and nontraditional jobs'' before the semicolon;

(C) in subparagraph (F), by striking ''during nonschool hours'';

(D) in subparagraph (I), by striking ''and'' at the end;

(E) in subparagraph (J), by striking the period at the end and inserting a semicolon; and

(F) by adding at the end the following:

''(K) on-the-job training opportunities;

''(L) opportunities to acquire financial literacy skills;

''(M) entrepreneurial skills training and microenterprise services; and

''(N) information about average wages for a range of jobs available in the local area, including technology jobs.''.

(3) ADDITIONAL REQUIREMENTS.—Section 129(c)(3)(A) (29 U.S.C. 2854(c)(3)(A)) is amended in the matter preceding clause (i) by striking ''or applicant who meets the minimum income criteria to be considered an eligible youth''.

(4) PRIORITY AND EXCEPTIONS.—Section 129(c) (29 U.S.C. 2854(c)) is amended by striking paragraphs (4) and (5).

(5) PROHIBITIONS AND LINKAGES.—Section 129(c) (29 U.S.C. 2854(c)), as amended by paragraph (4), is further amended—

(A) by redesignating paragraphs (6), (7), and (8) as paragraphs (4), (5), and (6), respectively;

(B) in paragraph (4) (as redesignated by subparagraph (A))—

(i) by striking subparagraph (B); and

(ii) by redesignating subparagraph (C) as subparagraph (B); and

(C) in paragraph (5) (as redesignated by subparagraph (A)), by striking ''youth councils'' and inserting ''local boards''.

SEC. 121. ADULT AND DISLOCATED WORKER EMPLOYMENT AND TRAINING ACTIVITIES.

(a) STATE ALLOTMENTS.—

(1) RESERVATIONS.—Section 132(a)(2)(A) is amended by striking ''national emergency grants'' and inserting ''national dislocated worker grants''.

(2) ALLOTMENT AMONG STATES.—Section 132(b) (29 U.S.C. 2862(b)) is amended—

(A) in paragraph (1)(A)(ii), by striking ''section 127(b)(1)(B)'' and all that follows and inserting ''section 127(b)(1)(D).'';

(B) by striking paragraph (1)(B)(ii) and inserting the following:

''(ii) FORMULA.—Subject to clauses (iii) and (iv), of the remainder—

''(I) 40 percent shall be allotted on the basis of the relative number of unemployed individuals in areas of substantial unemployment in each State, compared to the total number of unemployed individuals in areas of substantial unemployment in all States;

''(II) 25 percent shall be allotted on the basis of the relative number of individuals in the civilian labor force in each State, compared to the total number of such individuals in all States; and

''(III) 35 percent shall be allotted on the basis of the relative number of disadvantaged adults in each State, compared to the total number of disadvantaged adults in all States, except as described in clause (iii).'';

(C) in paragraph (1)(B)(iii), by striking ''section 116(a)(2)(B)'' and inserting ''section 116(a)(2)(A)(ii)''; and

(D) in paragraph (2)(A)(ii), by striking ''section 127(b)(1)(B)'' and all that follows and inserting ''section 127(b)(1)(D).''.

(3) REALLOTMENT.—Section 132(c) (29 U.S.C. 2862(c)) is amended—

(A) by striking paragraph (2) and inserting the following:

''(2) AMOUNT.—The amount available for reallotment for a program year for programs funded under subsection (b)(1)(B) (relating to adult employment and training) and subsection (b)(2)(B) (relating to dislocated worker employment and training), respectively, is equal to the amount by which the unexpended balance at the end of the program year prior to the program year for which the determination is made exceeds 30 percent of the total amount of funds available to the State under subsection (b)(1)(B) or (b)(2)(B), respectively, during such prior program year (including amounts allotted to the State in all prior program years under such provisions that remained available). For purposes of this paragraph, the unexpended balance is the amount that is the difference between—

''(A) the total amount of funds available to the State under subsection (b)(1)(B) or (b)(2)(B), respectively, during the program year prior to the program year for which the determination is made (including amounts allotted to the State in all prior program years under such provisions that remained available); and

''(B) the accrued expenditures from such total amount of funds available under subsection (b)(1)(B) or (b)(2)(B), respectively, during such prior program year.'';

(B) in paragraph (3)—

(i) by striking ''under this section for such activities for the prior program year'' and inserting ''under subsection (b)(1)(B) or (b)(2)(B), as appropriate, for the program year for which the determination is made''; and

(ii) by striking ''under this subsection for such activities for such prior program year'' and inserting ''under subsection (b)(1)(B) or (b)(2)(B), as appropriate, for such program year'';

(C) by striking paragraph (4) and inserting the following:

''(4) ELIGIBILITY.—For purposes of this subsection, an eligible State means—

''(A) with respect to funds allotted under subsection (b)(1)(B), a State that does not have an amount of such funds available for reallotment under paragraph (2) for the program year for which the determination under paragraph (2) is made; and

''(B) with respect to funds allotted under subsection (b)(2)(B), a State that does not have an amount of such funds available for reallotment under paragraph (2) for the program year for which the determination under paragraph (2) is made.''; and

(D) in paragraph (5), by striking ''obligation'' and inserting ''expenditure''.

(4) EFFECTIVE DATE.—The amendments made by paragraph (3) shall take effect for the later of—

(A) the program year that begins after the date of enactment of this Act; or

(B) program year 2004.

(b) WITHIN STATE ALLOCATIONS.—

(1) ALLOCATION.—Section 133(b)(5)(B)(ii) (29 U.S.C. 2863(b)(5)(B)(ii)) is amended by striking ''section 134(c)'' and inserting ''section 121(e)''.

(2) REALLOCATION.—Section 133(c) (29 U.S.C. 2863(c)) is amended—

(A) in paragraph (1), by inserting '', and under subsection (b)(2)(B) for dislocated worker employment and training activities,'' after ''activities'';

(B) by striking paragraph (2) and inserting the following:

''(2) AMOUNT.—The amount available for reallocation for a program year for programs funded under paragraphs (2)(A) and (3) of subsection (b) (relating to adult employment and training) and subsection (b)(2)(B) (relating to dislocated worker employment and training), respectively, is equal to the amount by which the unexpended balance at the end of the program year prior to the program year for which the determination is made exceeds 30 percent of the total amount of funds available to the local area under paragraphs (2)(A) and (3) of subsection (b), or subsection (b)(2)(B), respectively, during such prior program year (including amounts allocated to the local area in all prior program years under such provisions that remained available). For purposes of this paragraph, the unexpended balance is the amount that is the difference between—

''(A) the total amount of funds available to the local area under paragraphs (2)(A) and (3) of subsection (b), or subsection (b)(2)(B), respectively, during the program year prior to the program year for which the determination is made (including amounts allotted to the local area in all prior program years under such provisions that remained available); and

''(B) the accrued expenditures from such total amount of funds available under paragraphs (2)(A) and (3) of subsection (b), or subsection (b)(2)(B), respectively, during such prior program year.'';

(C) by striking paragraph (3) and inserting the following:

''(3) REALLOCATION.—In making reallocations to eligible local areas of amounts available pursuant to paragraph (2) for a program year, the Governor shall allocate to each eligible local area within the State—

''(A) with respect to amounts that are available for reallocation under paragraph (2) that were allocated under paragraphs (2)(A) or (3) of subsection (b), an amount based on the relative amount allocated to such local area under paragraphs (2)(A) or (3) of subsection (b), as appropriate, for the program year for which the determination is made, as compared to the total amount allocated to all eligible local areas under paragraphs (2)(A) or (3) of subsection (b), as appropriate, of such program year; and

''(B) with respect to amounts that are available for reallocation under paragraph (2) that were allocated under subsection (b)(2)(B), an amount based on the relative amount allocated to such local area under subsection (b)(2)(B) for the program year for which the determination is made, as compared to the total amount allocated to all eligible local areas under subsection (b)(2)(B) for such program year.''; and

(D) by striking paragraph (4) and inserting the following:

''(4) ELIGIBILITY.—For purposes of this subsection, an eligible local area means—

''(A) with respect to funds allocated under paragraphs (2)(A) or (3) of subsection (b), a local area that does not have an amount of such funds available for reallocation under paragraph (2) for the program year for which the determination under paragraph (2) is made; and

''(B) with respect to funds allocated under subsection (b)(2)(B), a local area that does not have an amount of such funds available for reallocation under paragraph (2) for the program year for which the determination under paragraph (2) is made.''.

(3) EFFECTIVE DATE.—The amendments made by paragraph (2) shall take effect for the later of—

(A) the program year that begins after the date of enactment of this Act; or

(B) program year 2004.

(c) USE OF FUNDS FOR EMPLOYMENT AND TRAINING ACTIVITIES.—

(1) STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES.—

(A) STATEWIDE RAPID RESPONSE ACTIVITIES.—Section 134(a)(2)(A) (29 U.S.C. 2864(a)(2)(A)) is amended to read as follows:

''(A) STATEWIDE RAPID RESPONSE ACTIVITIES.—

''(i) IN GENERAL.—A State shall carry out statewide rapid response activities using funds reserved by a Governor for a State under section 133(a)(2). Such activities shall include—

''(I) provision of rapid response activities, carried out in local areas by the State or by an entity designated by the State, working in conjunction with the local boards and the chief elected officials for the local areas; and

''(II) provision of additional assistance to local areas that experience disasters, mass layoffs, or plant closings, or other events that precipitate substantial increases in the number of unemployed individuals, carried out in local areas by the State, working in conjunction with the local boards and the chief elected officials for the local areas.

''(ii) USE OF UNEXPENDED FUNDS.—Funds reserved under section 133(a)(2) to carry out this subparagraph that remain unexpended after the first program year for which such funds were allotted may be used by the Governor to carry out statewide activities authorized under subparagraphs (B) and (C) in addition to activities under this subparagraph.''.

(B) STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES.—Section 134(a)(2) (29 U.S.C. 2864(a)(2)) is amended by striking subparagraph (B) and inserting the following:

''(B) STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES.—Funds reserved by a Governor for a State under sections 128(a)(1) and 133(a)(1) and not used under paragraph (1)(A) shall be used for statewide employment and training activities, including—

''(i) disseminating—

''(I) the State list of eligible providers of training services, including eligible providers of nontraditional training services;

''(II) information identifying eligible providers of on-the-job training and customized training;

''(III) performance information and program cost information, as described in subsections (e) and (h) of section 122; and

''(IV) information on physical and programmatic assessability for individuals with disabilities;

''(ii) conducting evaluations under section 136(e) of activities authorized under this chapter and chapter 5 in coordination with evaluations carried out by the Secretary under section 172;

''(iii) providing incentive grants to local areas in recognition of exceptional achievement relating to—

''(I) regional cooperation among local boards (including local boards in a designated region as described in section 116(c));

''(II) expanded local coordination of programs and activities carried out as part of a comprehensive workforce investment system, including—

''(aa) coordination of employment services under the Wagner-Peyser Act and core activities under this title; and

''(bb) partner programs described in section 121;

''(III) exemplary performance by local areas as described in section 136(i)(2); and

''(IV) providing expanded access to education and training services, especially through increased leveraging of resources other than those provided through programs under this title;

''(iv) providing technical assistance and capacity building to local areas, one-stop operators, one-stop partners, and eligible providers, including the development and training of staff, the development of exemplary program activities, and the provision of technical assistance to local areas that fail to meet local performance measures described in section 136(c), which may include the development and training of staff to provide opportunities for hard-to-serve populations to enter high-wage, high-skilled, and nontraditional occupations;

''(v) operating a fiscal and management accountability system under section 136(f); and

''(vi) carrying out monitoring and oversight of activities carried out under this chapter and chapter 4.''.

(C) ALLOWABLE STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES.—Section 134(a)(3)(A) (29 U.S.C. 2864(a)(3)(A) is amended to read as follows:

''(A) IN GENERAL.—A State may use funds reserved as described in sections 128(a) and 133(a)(1) (regardless of whether the funds were allotted to the State under section 127(b)(1) or paragraph (1) or (2) of section 132(b)) to carry out additional statewide employment and training activities, which may include—

''(i) implementing innovative programs and strategies designed to meet the needs of all businesses in the State, including small businesses, which may include incumbent worker training programs, sectoral and industry cluster strategies and partnerships, including regional skills alliances, career ladder programs, micro-enterprise and entrepreneurial training and support programs, utilization of effective business intermediaries, activities to improve linkages between the one-stop delivery systems in the State and all employers (including small employers), in the State and other business services and strategies that better engage employers in workforce activities and make the workforce investment system more relevant to the needs of State and local businesses, consistent with the purposes of this Act;

''(ii) developing strategies for effectively serving hard-to-serve populations and for coordinating programs and services among one-stop partners;

''(iii) implementing innovative programs for displaced homemakers, which for purposes of this subparagraph may include an individual who is receiving public assistance and is within 2 years of exhausting lifetime eligibility under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);

''(iv) developing strategies for ensuring that activities carried out under this section are placing men and women in jobs, education, and training that lead to comparable pay;

''(v) implementing programs to increase the number of individuals training for and placed in nontraditional employment;

''(vi) carrying out activities to facilitate remote access to services, including training services described in subsection (d)(4), provided through a one-stop delivery system, including facilitating access through the use of technology;

''(vii) supporting the provision of core services described in subsection (d)(2) in the one-stop delivery system in the State;

''(viii) coordinating with the child welfare system to facilitate services for children in foster care and those who are eligible for assistance under section 477 of the Social Security Act;

''(ix) activities—

''(I) to improve coordination between workforce investment activities carried out within the State involved and economic development activities;

''(II) to improve coordination between employment and training assistance and child support services and assistance provided by State and local agencies carrying out part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.);

''(III) to improve coordination between employment and training assistance and cooperative extension programs carried out by the Department of Agriculture; and

''(IV) to develop and disseminate workforce and labor market information;

''(x) conducting—

''(I) research; and

''(II) demonstration projects; and

''(xi) adopting, calculating, or commissioning a minimum self-sufficiency standard that specifies the income needs of families, by family size, the number and ages of children in the family, and sub-State geographical considerations.''.

(2) REQUIRED LOCAL EMPLOYMENT AND TRAINING ACTIVITIES.—

(A) ALLOCATED FUNDS.—Section 134(d)(1) (29 U.S.C. 2864(d)(1)) is amended—

(i) in clause (i), by striking ''described in subsection (c)'';

(ii) in clause (iii), by striking ''and'' at the end;

(iii) in clause (iv), by striking the period and inserting a semicolon; and

(iv) by adding at the end the following:

''(v) to designate a dedicated business liaison in the local area who may be funded with funds provided under this title or from other sources to establish and develop relationships and networks with large and small employers and their intermediaries; and

''(vi) in order to avoid duplication of services and enhance coordination of services, to require the colocation of employment services provided under the Wagner-Peyser Act at the comprehensive one-stop centers.''.

(B) CORE SERVICES.—Section 134(d)(2) (29 U.S.C. 2864(d)(2)) is amended—

(i) in the matter preceding subparagraph (A), by striking ''paragraph (1)(A)'' and inserting ''paragraph (1)'';

(ii) in subparagraph (A), by striking ''under this subtitle'' and inserting ''under the programs described in section 121(b) and administered by one-stop partners, consistent with the requirements of such programs'';

(iii) by striking subparagraph (D) and inserting the following:

''(D) labor exchange services, including—

''(i) job search and placement assistance and, in appropriate cases, career counseling, including—

''(I) exposure to high wage, high skill jobs; and

''(II) nontraditional employment; and

''(ii) appropriate recruitment and other business services for all employers, including small employers, in the local area, which may include services described in this subsection, including information and referral to specialized business services not traditionally offered through the one-stop delivery system;'';

(iv) in subparagraph (E)(iii)—

(I) by inserting '', career ladders,'' after ''earnings''; and

(II) by striking ''and'' at the end;

(v) in subparagraph (F)—

(I) by striking ''and program cost information''; and

(II) by striking ''described in section 123'';

(vi) by striking subparagraph (H) and inserting the following:

''(H) provision of accurate information, in formats that are usable and understandable to all one-stop customers, relating to the availability of supportive services or assistance, including childcare, child support, medical or child health assistance under title XIX or XXI of the Social Security Act, benefits under the Food Stamp Act of 1977, the earned income tax credit under section 32 of the Internal Revenue Code of 1986, and assistance under a State program funded under part A of title IV of the Social Security Act and other supportive services and transportation provided through funds made available under such part, available in the local area, and referral to such services or assistance as appropriate;''; and

(vii) in subparagraph (J), by striking ''for—'' and all that follows through ''(ii) programs'' and inserting ''for programs''.

(C) INTENSIVE SERVICES.—Section 134(d)(3) (29 U.S.C. 2864(d)(3)) is amended—

(i) by striking subparagraph (A) and inserting the following:

''(A) IN GENERAL.—

''(i) ELIGIBILITY.—Except as provided in clause (ii), funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under section 133(b)(2)(B), shall be used to provide intensive services to adults and dislocated workers, respectively—

''(I) who are unemployed and who, after an interview, evaluation, or assessment, have been determined by a one-stop operator or one-stop partner to be—

''(aa) unlikely or unable to obtain employment, that leads to self-sufficiency or wages comparable to or higher than previous employment, through core services described in paragraph (2); and

''(bb) in need of intensive services in order to obtain employment that leads to self-sufficiency or wages comparable to or higher than previous employment; or

''(II) who are employed, but who, after an interview, evaluation, or assessment are determined by a one-stop operator or one-stop partner to be in need of intensive services to obtain or retain employment that leads to self-sufficiency.

''(ii) SPECIAL RULE.—A new interview, evaluation, or assessment of a participant is not required under clause (i) if the one-stop operator or one-stop partner determines that it is appropriate to use a recent assessment of the participant conducted pursuant to another education or training program.''; and

(ii) in subparagraph (C)—

(I) in clause (v), by striking ''for participants seeking training services under paragraph (4)''; and

(II) by adding at the end the following:

''(vii) Internships and work experience.

''(viii) Literacy activities relating to basic work readiness, and financial literacy activities.

''(ix) Out-of-area job search assistance and relocation assistance.

''(x) English language acquisition and integrated training programs.''.

(D) TRAINING SERVICES.—Section 134(d)(4) (29 U.S.C. 2864(d)(4)) is amended—

(i) by striking subparagraph (A) and inserting the following:

''(A) IN GENERAL.—

''(i) ELIGIBILITY.—Except as provided in clause (ii), funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under section 133(b)(2)(B), shall be used to provide training services to adults and dislocated workers, respectively—

''(I) who, after an interview, evaluation, or assessment, and case management, have been determined by a one-stop operator or one-stop partner, as appropriate, to—

''(aa) be unlikely or unable to obtain or retain employment, that leads to self-sufficiency or wages comparable to or higher than previous employment, through the intensive services described in paragraph (3);

''(bb) be in need of training services to obtain or retain employment that leads to self-sufficiency or wages comparable to or higher than previous employment; and

''(cc) have the skills and qualifications to successfully participate in the selected program of training services;

''(II) who select programs of training services that are directly linked to the employment opportunities in the local area or region involved or in another area to which the adults or dislocated workers are willing to commute or relocate;

''(III) who meet the requirements of subparagraph (B); and

''(IV) who are determined to be eligible in accordance with the priority system in effect under subparagraph (E).

''(ii) SPECIAL RULE.—A new interview, evaluation, or assessment of a participant is not required under clause (i) if the one-stop operator or one-stop partner determines that it is appropriate to use a recent assessment of the participant conducted pursuant to another education or training program.'';

(ii) in subparagraph (B)(i), by striking ''Except'' and inserting ''Notwithstanding section 479B of the Higher Education Act of 1965 (20 U.S.C. 1087uu) and except'';

(iii) in subparagraph (D)—

(I) in clause (viii), by striking ''and'' after the semicolon;

(II) in clause (ix), by striking the period and inserting ''; and''; and

(III) by adding at the end the following:

''(x) English language acquisition and integrated training programs.'';

(iv) in subparagraph (F)—

(I) in clause (ii), by striking ''referred to in subsection (c), shall make available—'' and all that follows and inserting ''shall make available a list of eligible providers of training services, and accompanying information, in accordance with section 122(d).'';

(II) in the heading of clause (iii), by striking ''INDIVIDUAL TRAINING ACCOUNTS'' and inserting ''CAREER SCHOLARSHIP ACCOUNTS'';

(III) in clause (iii)—

(aa) by striking ''identifying information'' and inserting ''accompanying information'';

(bb) by striking ''clause (ii)(I)'' and inserting ''clause (ii)''; and

(cc) by striking ''individual training account'' and inserting ''career scholarship account''; and

(IV) by adding the following clause after clause (iii):

''(iv) COORDINATION.—Each local board may, through one-stop centers, coordinate career scholarship accounts with other Federal, State, local, or private job training programs or sources to assist the individual in obtaining training services.''; and

(v) in subparagraph (G)—

(I) in the subparagraph heading, by striking ''INDIVIDUAL TRAINING ACCOUNTS'' and inserting ''CAREER SCHOLARSHIP ACCOUNTS'';

(II) in clause (i), by striking ''individual training accounts'' and inserting ''career scholarship accounts'';

(III) in clause (ii)—

(aa) by striking ''individual training account'' and inserting ''career scholarship account''; and

(bb) in subclause (II), by striking ''individual training accounts'' and inserting ''career scholarship accounts'';

(cc) in subclause (II), by striking ''or'' after the semicolon;

(dd) in subclause (III), by striking the period and inserting ''; or''; and

(ee) by adding at the end the following:

''(IV) the local board determines that it would be most appropriate to award a contract to an institution of higher education in order to facilitate the training of multiple individuals in high-demand occupations, if such contract does not limit customer choice.''; and

(IV) in clause (iv)—

(aa) by redesignating subclause (IV) as subclause (V); and

(bb) by inserting after subclause (III) the following:

''(IV) Individuals with disabilities.''.

(3) PERMISSIBLE ACTIVITIES.—Section 134(e) (29 U.S.C. 2864(e)) is amended—

(A) by striking the matter preceding paragraph (2) and inserting the following:

''(e) PERMISSIBLE LOCAL EMPLOYMENT AND TRAINING ACTIVITIES.—

''(1) IN GENERAL.—

''(A) ACTIVITIES.—Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under section 133(b)(2)(B), may be used to provide, through the one-stop delivery system involved—

''(i) customized screening and referral of qualified participants in training services described in subsection (d)(4) to employment;

''(ii) customized employment-related services to employers on a fee-for-service basis;

''(iii) customer support to enable members of hard-to-serve populations, including individuals with disabilities, to navigate among multiple services and activities for such populations;

''(iv) technical assistance and capacity building for serving individuals with disabilities in local areas, and by one-stop operators, one-stop partners, and eligible providers, including the development and training of staff, the provision of outreach, intake, assessments, and service delivery, and the development of performance measures;

''(v) employment and training assistance provided in coordination with child support enforcement activities of the State and local agencies carrying out part D of title IV of the Social Security Act (42 U.S.C. 601 et seq.);

''(vi) activities to improve coordination between employment and training assistance and child support services and assistance provided by State and local agencies carrying out part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.);

''(vii) activities to improve coordination between employment and training assistance and cooperative extension programs carried out by the Department of Agriculture;

''(viii) activities to facilitate remote access to services provided through a one-stop delivery system, including facilitating access through the use of technology;

''(ix) activities—

''(I) to improve coordination between workforce investment activities carried out within the local area involved and economic development activities; and

''(II) to improve services and linkages between the local workforce investment system including the local one-stop delivery system, and all employers, including small employers in the local area, through services described under this section, including subparagraph (B);

''(x) training programs for displaced homemakers and for individuals training for nontraditional occupations, in conjunction with programs operated in the local area;

''(xi) using a portion of the funds allocated under section 133(b), activities to carry out business services and strategies that meet the workforce development needs of local area employers, as determined by the local board, consistent with the local plan under section 118, which services—

''(I) may be provided through effective business intermediaries working in conjunction with the local board, and may also be provided on a fee for service basis or through the leveraging of economic development and other resources as determined appropriate by the local board; and

''(II) may include—

''(aa) identifying for and disseminating to business, educators, and job seekers, information related to the workforce, economic and community development needs, and opportunities of the local economy;

''(bb) development and delivery of innovative workforce investment services and strategies for area businesses, which may include sectoral, industry cluster, regional skills alliances, career ladder, skills upgrading, skill standard development and certification, apprenticeship, and other effective initiatives for meeting the workforce development needs of area employers and workers;

''(cc) participation in seminars and classes offered in partnership with relevant organizations focusing on the workforce-related needs of area employers and job seekers;

''(dd) training consulting, needs analysis, and brokering services for area businesses, including the organization and aggregation of training (which may be paid for with funds other than those provided under this title), for individual employers and coalitions of employers with similar interests, products, or workforce needs;

''(ee) assistance to area employers in the aversion of layoffs and in managing reductions in force in coordination with rapid response activities;

''(ff) the marketing of business services offered under this Act, to appropriate area employers, including small and mid-sized employers;

''(gg) information referral on concerns affecting local employers; and

''(hh) other business services and strategies designed to better engage employers in workforce development activities and to make the workforce investment system more relevant to the workforce development needs of area businesses, as determined by the local board to be consistent with the purposes of this Act; and

''(xii) activities to adjust the self-sufficiency standards for local factors, or activities to adopt, calculate, or commission a self-sufficiency standard that specifies the income needs of families, by family size, the number and ages of children in the family, and sub-State geographical considerations.

''(B) WORK SUPPORT ACTIVITIES FOR LOW-WAGE WORKERS.—

''(i) IN GENERAL.—Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under section 133(b)(2)(B), may be used to provide, through the one-stop delivery system involved, work support activities designed to assist low-wage workers in retaining and enhancing employment. The one-stop partners shall coordinate the appropriate programs and resources of the partners with the activities and resources provided under this subparagraph.

''(ii) ACTIVITIES.—The activities described in clause (i) may include the provision of activities described in this section through the one-stop delivery system in a manner that enhances the opportunities of such workers to participate in the activities, such as the provision of activities described in this section during nontraditional hours and the provision of on-site child care while such activities are being provided.'';

(B) in paragraph (2), by striking the matter preceding subparagraph (A) and inserting the following:

''(2) SUPPORTIVE SERVICES.—Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under section 133(b)(2)(B), may be used to provide supportive services to adults and dislocated workers, respectively—''; and

(C) by adding at the end the following:

''(4) INCUMBENT WORKER TRAINING PROGRAMS.—

''(A) IN GENERAL.—The local board may use up to 10 percent of the funds allocated to the local area involved under section 133(b) to pay for the Federal share of the cost of providing training through an incumbent worker training program carried out in accordance with this paragraph. The Governor or State board may make recommendations to the local board regarding incumbent worker training with statewide impact.

''(B) TRAINING ACTIVITIES.—The training program for incumbent workers carried out under this paragraph shall be carried out by the local board in conjunction with the employers or groups of employers of such workers for the purpose of assisting such workers in obtaining the skills necessary to retain employment or avert layoffs.

''(C) EMPLOYER SHARE REQUIRED.—

''(i) IN GENERAL.—Employers participating in the program carried out under this paragraph shall be required to pay the non-Federal share of the costs of providing the training to incumbent workers of the employers. The local board shall establish the non-Federal share of such costs, which may include in kind contributions. The non-Federal share shall not be less than—

''(I) 10 percent of the costs, for employers with 50 or fewer employees;

''(II) 25 percent of the costs, for employers with more than 50 employees but fewer than 100 employees; and

''(III) 50 percent of the costs, for employers with 100 or more employees.

''(ii) CALCULATION OF EMPLOYER SHARE.—The non-Federal share paid by such an employer may include the amount of the wages paid by the employer to a worker while the worker is attending a training program under this paragraph.''.

SEC. 122. PERFORMANCE ACCOUNTABILITY SYSTEM.

(a) STATE PERFORMANCE MEASURES.—

(1) INDICATORS OF PERFORMANCE.—Section 136(b)(2)(A) (29 U.S.C. 2871(b)(2)(A)) is amended—

(A) in clause (i)—

(i) in the matter preceding subclause (I), by striking '' and (for participants who are eligible youth age 19 through 21) for youth activities authorized under section 129'';

(ii) by striking subclause (III) and inserting the following:

''(III) increases in earnings from unsubsidized employment; and''; and

(iii) in subclause (IV), by striking '', or by participants'' and all that follows through ''unsubsidized employment''; and

(B) by striking clause (ii) and inserting the following:

''(ii) CORE INDICATORS FOR ELIGIBLE YOUTH.—The core indicators of performance

for youth activities authorized under section 129 shall consist of—

''(I) entry into employment, education or advanced training, or military service;

''(II) attainment of secondary school diplomas or their recognized equivalents, and postsecondary certificates; and

''(III) literacy or numeracy gains.''.

(2) ADDITIONAL INDICATORS.—Section 136(b)(2)(C) (29 U.S.C. 2871(b)(2)(C)) is amended to read as follows:

''(C) ADDITIONAL INDICATORS.—A State may identify in the State plan additional indicators for workforce investment activities under this subtitle, including indicators identified in collaboration with State business and industry associations, with employee representatives where applicable, and with local boards, to measure the performance of the workforce investment system in serving the workforce needs of business and industry in the State.''.

(3) LEVELS OF PERFORMANCE.—Section 136(b)(3)(A) (29 U.S.C. 2871(b)(3)(A)) is amended—

(A) in clause (iii)—

(i) in the heading, by striking ''FOR FIRST 3 YEARS'';

(ii) by striking ''and the customer satisfaction indicator of performance, for the first 3'' and inserting ''described in clauses (i) and (ii) of paragraph (2)(A) and the customer satisfaction indicator of performance, for the first 2''; and

(iii) by inserting at the end the following: ''Agreements on levels of performance for each of the core indicators of performance for the third and fourth program years covered by the State plan shall be reached prior to the beginning of the third program year covered by the State plan, and incorporated as a modification to the State plan.'';

(B) in clause (iv)—

(i) in subclause (II)—

(I) by striking ''taking into account'' and inserting ''and shall ensure that the levels involved are adjusted, using objective statistical methods, based on'';

(II) by inserting ''(such as differences in unemployment rates and job losses or gains in particular industries)'' after ''economic conditions'';

(III) by inserting ''(such as indicators of poor work history, lack of work experience, educational or occupational skills attainment, dislocation from high-wage and benefit employment, low levels of literacy or English proficiency, disability status, homelessness, and welfare dependency)'' after ''program''; and

(IV) by striking ''and'' at the end;

(ii) in subclause (III), by striking the period and inserting ''; and''; and

(iii) by adding at the end the following:

''(IV) the extent to which the levels involved will assist the State in meeting the national goals described in clause (v).'';

(C) by striking clause (v) and inserting the following:

''(v) ESTABLISHMENT OF NATIONAL GOALS.—In order to promote enhanced performance outcomes on the performance measures and to facilitate the process of reaching agreements with the States under clause (iii) and to measure systemwide performance for the one-stop delivery systems of the States, the Secretary shall establish long-term national goals for the adjusted levels of performance for that systemwide performance to be achieved by the programs assisted under chapters 4 and 5 on the core indicators of performance described in subparagraphs (A) and (B) of subsection (b)(2). Such goals shall be established in accordance with the Government Performance and Results Act of 1993 in consultation with the States and other appropriate parties.''; and

(D) in clause (vi)—

(i) by striking ''or (v)''; and

(ii) by striking ''with the representatives described in subsection (i)'' and inserting ''with the States and other interested parties''.

(b) LOCAL PERFORMANCE MEASURES.—Section 136(c)(3) (29 U.S.C 2871(c)(3))—

(1) by striking ''shall take into account'' and inserting ''shall ensure such levels are adjusted based on'';

(2) by inserting ''(characteristics such as unemployment rates and job losses or gains in particular industries)'' after ''economic''; and

(3) by inserting ''(characteristics such as indicators of poor work history, lack of work experience, educational and occupational skills attainment, dislocation from high-wage and benefit employment, low levels of literacy or English proficiency, disability status, homelessness, and welfare dependency)'' after ''demographic''.

(c) REPORT.—Section 136(d) (29 U.S.C. 2871(d)) is amended—

(1) in paragraph (1), by adding at the end the following: ''In the case of a State or local area that chooses to expend funds under section 134(a)(3)(A)(i) or 134(e)(1)(A)(vii), respectively, the report also shall include the amount of such funds so expended and the percentage that such funds are of the funds available under section 134;

(2) in paragraph (2)—

(A) in subparagraph (E)—

(i) by striking ''(excluding participants who received only self-service and informational activities)''; and

(ii) by striking ''and'' after the semicolon;

(B) in subparagraph (F)—

(i) by inserting ''noncustodial parents with child support obligations, homeless individuals,'' after ''displaced homemakers,''; and

(ii) by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

''(G) the number of participants served and the cost per participant; and

''(H) the amount of adult and dislocated worker funds spent on—

''(i) core, intensive, and training services, respectively; and

''(ii) services provided under section 134(a)(3)(A)(i) or 134(e)(1)(A)(iii), if applicable.''; and

(3) by adding at the end the following:

''(4) DATA VALIDATION.—In preparing the reports described in this subsection, the States shall establish procedures, consistent with guidelines issued by the Secretary, to ensure that the information contained in the reports is valid and reliable.''.

(d) SANCTIONS FOR STATE.—Section 136(g) is amended—

(1) in paragraph (1)(B), by striking ''If such failure continues for a second consecutive year'' and inserting ''If a State performs at less than 80 percent of the adjusted level of performance for a core indicator of performance described in subsection (b)(2)(A) for 2 consecutive years with respect to the same indicator of performance''; and

(2) in paragraph (2), by striking ''section 503'' and inserting ''subsection (i)(1)''.

(e) SANCTIONS FOR LOCAL AREA.—Section 136(h)(2)(A) (29 U.S.C. 2871(h)(2)(A)) is amended—

(1) in the matter preceding clause (i), by striking ''If such failure continues for a second consecutive year'' and inserting ''If a local area performs at less than 80 percent of the adjusted level of performance for a core indicator of performance described in subsection (b)(2)(A) for 2 consecutive years with respect to the same indicator of performance'';

(2) in clause (ii), by striking ''or'' after the semicolon;

(3) by redesignating clause (iii) as clause (iv); and

(4) by inserting after clause (ii) the following:

''(iii) redesignate the local area in accordance with section 116(a)(2); or''.

(f) INCENTIVE GRANTS.—Section 136(i) (29 U.S.C. 2871(i)) is amended to read as follows:

''(i) INCENTIVE GRANTS FOR STATES AND LOCAL AREAS.—

''(1) INCENTIVE GRANTS FOR STATES.—

''(A) IN GENERAL.—From funds appropriated under section 174(b) and made available under subsection (g)(2), the Secretary may award incentive grants to States for exemplary performance in carrying out programs under chapters 4 and 5.

''(B) BASIS.—The Secretary shall award the grants on the basis—

''(i) of the States meeting or exceeding the performance measures established under subsection (b)(3)(A)(iii);

''(ii) of exemplary performance of the States in serving hard-to-serve populations (including performance relating to the levels of service provided and the performance outcomes on such performance measures with respect to the populations);

''(iii) of States that are effectively—

''(I) coordinating multiple systems into a more effective workforce development system, including coordination of employment services under the Wagner-Peyser Act and core activities under this title as well as partner programs described in section 121;

''(II) expanding access to training, including through increased leveraging of resources other than those funded through programs under this title; or

''(III) implementing innovative business and economic development initiatives.

''(iv) of such other factors relating to the performance of the States under this title as the Secretary determines are appropriate.

''(C) USE OF FUNDS.—The funds awarded to a State under this paragraph may be used to carry out any activities authorized for States under chapters 4 and 5, title II of this Act, and the Carl D. Perkins Vocational and Technical Education Act of 1998, including demonstration projects and innovative programs for hard-to-serve populations.

''(2) INCENTIVE GRANTS FOR LOCAL AREAS.—

''(A) IN GENERAL.—From funds reserved under sections 128(a) and 133(a)(1), the Governor involved shall award incentive grants to local areas for exemplary performance in carrying out programs under chapters 4 and 5.

''(B) BASIS.—The Governor shall award the grants on the basis—

''(i) that the local areas met or exceeded the performance measures established under subsection (c)(2) relating to indicators described in subsection (b)(3)(A)(iii);

''(ii) of exemplary performance of the local areas in serving hard-to-serve populations; or

''(iii) of States and local areas that are effectively—

''(I) coordinating multiple systems into a comprehensive workforce development system, including coordination of employment services under the Wagner-Peyser Act and core activities under this title as well as partner programs described in section 121;

''(II) expanding access to training, including through increased leveraging of resources other than those funded through programs under this title; or

''(III) implementing innovative business and economic development initiatives.

''(C) USE OF FUNDS.—The funds awarded to a local area under this paragraph may be used to carry out activities authorized for local areas under chapters 4 and 5, and such

demonstration projects or innovative programs for hard-to-serve populations as may be approved by the Governor.''.

(g) USE OF CORE MEASURES IN OTHER DEPARTMENT OF LABOR PROGRAMS.—Section 136 (29 U.S.C. 2871) is amended by adding at the end the following:

''(j) USE OF CORE INDICATORS FOR OTHER PROGRAMS.—In addition to the programs carried out under chapters 4 and 5, and consistent with the requirements of the applicable authorizing laws, the Secretary shall use the indicators of performance described in subparagraphs (A) and (B) of subsection (b)(2) to assess the effectiveness of the programs described in clauses (i), (ii), and (vi) of section 121(b)(1)(B) that are carried out by the Secretary.''.

(h) PREVIOUS DEFINITIONS OF CORE INDICATORS AND INCENTIVE GRANTS.—Sections 502 and 503 (29 U.S.C. 9272 and 9273) are repealed.

SEC. 123. AUTHORIZATION OF APPROPRIATIONS.

(a) YOUTH ACTIVITIES.—Section 137(a) (29 U.S.C. 2872(a)) is amended by striking ''such sums as may be necessary for each of fiscal years 1999 through 2003'' and inserting '' such sums as may be necessary for each of fiscal years 2004 through 2009''.

(b) ADULT EMPLOYMENT AND TRAINING ACTIVITIES.—Section 137(b) (29 U.S.C. 2872(b)) is amended by striking ''such sums as may be necessary for each of fiscal years 1999 through 2003'' and inserting '' such sums as may be necessary for each of fiscal years 2004 through 2009''.

(c) DISLOCATED WORKER EMPLOYMENT AND TRAINING ACTIVITIES.—Section 137(c) (29 U.S.C. 2872(c)) is amended by striking ''such sums as may be necessary for each of fiscal years 1999 through 2003'' and inserting ''such sums as may be necessary for each of fiscal years 2004 through 2009''.

Subtitle C—Job Corps

SEC. 131. JOB CORPS.

(a) ELIGIBILITY.—Section 144(3) (29 U.S.C. 2884(3)) is amended by adding at the end the following:

''(F) A child eligible for assistance under section 477 of the Social Security Act.''.

(b) IMPLEMENTATION OF STANDARDS AND PROCEDURES.—Section 145(a)(3) (29 U.S.C. 2885(a)(3)) is amended—

(1) in subparagraph (B), by striking ''and'' after the semicolon;

(2) in subparagraph (C), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(D) child welfare agencies that are responsible for children in foster care and children eligible for assistance under section 477 of the Social Security Act.''.

(c) INDUSTRY COUNCILS.—Section 154(b) (29 U.S.C. 2894(b)) is amended—

(1) in paragraph (1)(A), by striking ''local and distant''; and

(2) by adding at the end the following:

''(3) EMPLOYERS OUTSIDE OF LOCAL AREA.—The industry council may include, or otherwise provide for consultation with, employers from outside the local area who are likely to hire a significant number of enrollees from the Job Corps center.

''(4) SPECIAL RULE FOR SINGLE LOCAL AREA STATES.—In the case of a single local area State designated under section 116(b), the industry council shall include a representative of the State Board.''.

(d) INDICATORS OF PERFORMANCE.—Section 159 (29 U.S.C. 2983) is amended—

(1) in subsection (c)—

(A) by striking paragraph (1) and inserting the following:

''(1) PERFORMANCE INDICATORS.—The Secretary shall annually establish expected levels of performance for Job Corps centers and the Job Corps program relating to each of the core indicators of performance for youth activities identified in section 136(b)(2)(A)(ii).'';

(B) in paragraph (2), by striking ''measures'' each place it appears and inserting ''indicators''; and

(C) in paragraph (3)—

(i) in the first sentence, by striking ''core performance measures, as compared to the expected performance level for each performance measure'' and inserting ''performance indicators described in paragraph (1), as compared to the expected level of performance established under paragraph (1) for each performance measure''; and

(ii) in the second sentence, by striking ''measures'' each place it appears and inserting ''indicators''; and

(2) in subsection (f)(2), in the first sentence, by striking ''core performance measures'' and inserting ''indicators of performance''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 161 (29 U.S.C. 2901) is amended by striking ''1999 through 2003'' and inserting ''2004 through 2009''.

Subtitle D—National Programs

SEC. 141. NATIVE AMERICAN PROGRAMS.

(a) ADVISORY COUNCIL.—Section 166(h)(4)(C) (29 U.S.C. 2911(h)(4)(C)) is amended to read as follows:

''(C) DUTIES.—The Council shall advise the Secretary on the operation and administration of the programs assisted under this section, including the selection of the individual appointed as head of the unit established under paragraph (1).''.

(b) ASSISTANCE TO UNIQUE NATIVE POPULATIONS IN ALASKA AND HAWAII.—Section 166(j) (29 U.S.C. 2911(j)) is amended to read as follows:

''(j) ASSISTANCE TO UNIQUE NATIVE POPULATIONS IN ALASKA AND HAWAII.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary is authorized to provide assistance to unique native populations who reside in Alaska or Hawaii to improve job training and workforce investment activities.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as may be necessary for fiscal year 2004.''.

(c) PERFORMANCE INDICATORS.—Section 166 (29 U.S.C. 2911 is amended by adding at the end the following':

''(c) PERFORMANCE INDICATORS.—

''(1) DEVELOPMENT OF INDICATORS.—The Secretary, in consultation with the Native American Employment and Training Council, shall develop a set of performance indicators and standards which shall be applicable to programs under this section.

''(2) SPECIAL CONSIDERATIONS.—Such performance indicators and standards shall take into account—

''(A) the purposes of the programs under this section as described in paragraph (a)(1);

''(B) the needs of the groups served by this section, including the differences in needs among such groups in various geographic service areas; and

''(C) the economic circumstances of the communities served, including differences in circumstances among various geographic service areas.''.

SEC. 142. MIGRANT AND SEASONAL FARMWORKER PROGRAMS.

Section 167(d) (29 U.S.C. 2912(d)) is amended by inserting ''(including permanent housing)'' after ''housing''.

SEC. 143. VETERANS' WORKFORCE INVESTMENT PROGRAMS.

Section 168(a)(3)(C) (29 U.S.C. 2913(a)(3)(C)) is amended by striking ''section 134(c)'' and inserting ''section 121(e)''.

SEC. 144. YOUTH CHALLENGE GRANTS.

Section 169 (29 U.S.C. 2914) is amended to read as follows:

''SEC. 169. YOUTH CHALLENGE GRANTS.

''(a) IN GENERAL.—Of the amounts reserved by the Secretary under section 127(a)(1)(A) for a fiscal year—

''(1) the Secretary shall use not less than 80 percent to award competitive grants under subsection (b); and

''(2) the Secretary may use not more than 20 percent to award discretionary grants under subsection (c).

''(b) COMPETITIVE GRANTS TO STATES AND LOCAL AREAS.—

''(1) ESTABLISHMENT.—From the funds described in subsection (a)(1), the Secretary shall award competitive grants to eligible entities to carry out activities authorized under this subsection to assist eligible youth in acquiring the skills, credentials, and employment experience necessary to achieve the performance outcomes for youth described in section 136

''(2) ELIGIBLE ENTITY.—In this subsection, the term 'eligible entity' means—

''(A) a State or consortium of States;

''(B) a local board or consortium of local boards;

''(C) a recipient of a grant under section 166 (relating to Native American programs); or

''(D) a public or private entity (including a consortium of such entities) with expertise in the provision of youth activities, applying in partnership with a local board or consortium of local boards.

''(3) APPLICATIONS.—To be eligible to receive a grant under this subsection, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

''(A) a description of the activities the eligible entity will provide to eligible youth under this subsection, and how the eligible entity will collaborate with State and local workforce investments systems established under this title in the provision of such activities;

''(B) a description of the programs of demonstrated effectiveness on which the provision of the activities under subparagraph (A) are based, and a description of how such activities will expand the base of knowledge relating to the provision of activities for youth;

''(C) a description of the State, local, and private resources that will be leveraged to provide the activities described under subparagraph (A) in addition to funds provided under this subsection, and a description of the extent of the involvement of employers in the activities;

''(D) the levels of performance the eligible entity expects to achieve with respect to the indicators of performance for youth specified in section 136(b)(2)(A)(ii); and

''(E) an assurance that the State board of each State in which the proposed activities are to be carried out had the opportunity to review the application, and including the comments, if any, of the affected State boards on the application, except that this subparagraph shall not apply to an eligible entity described in paragraph (2)(C).

''(4) FACTORS FOR AWARD.—

''(A) IN GENERAL.—In awarding grants under this subsection the Secretary shall consider—

''(i) the quality of the proposed activities;

''(ii) the goals to be achieved;

''(iii) the likelihood of successful implementation;

''(iv) the extent to which the proposed activities are based on proven strategies or the extent to which the proposed activities will expand the base of knowledge relating to the provision of activities for youth;

''(v) the extent of collaboration with the State and local workforce investment systems in carrying out the proposed activities;

''(vi) the extent of employer involvement in the proposed activities;

''(vii) whether there are other Federal and non-Federal funds available for similar activities to the proposed activities, and the additional State, local, and private resources that will be provided to carry out the proposed activities; and

''(viii) the quality of proposed activities in meeting the needs of the youth to be served.

''(B) EQUITABLE GEOGRAPHIC DISTRIBUTION.—In awarding grants under this subsection the Secretary shall ensure an equitable distribution of such grants across geographically diverse areas.

''(5) USE OF FUNDS.—

''(A) IN GENERAL.—An eligible entity that receives a grant under this subsection shall use the grant funds to carry out activities that are designed to assist youth in acquiring the skills, credentials, and employment experience that are necessary to succeed in the labor market, including the activities identified in section 129.

''(B) ACTIVITIES.—The activities carried out pursuant to subparagraph (A) may include the following:

''(i) Training and internships for out-of-school youth in sectors of the economy experiencing, or projected to experience, high growth.

''(ii) Dropout prevention activities for in-school youth.

''(iii) Activities designed to assist special youth populations, such as court-involved youth and youth with disabilities.

''(iv) Activities combining remediation of academic skills, work readiness training, and work experience, and including linkages to postsecondary education, apprenticeships, and career-ladder employment.

''(v) Activities, including work experience, paid internships, and entrepreneurial training, in areas where there is a migration of youth out of the areas.

''(C) PARTICIPANT ELIGIBILITY.—Youth who are 14 years of age through 21 years of age, as of the time the eligibility determination is made, may be eligible to participate in activities carried out under this subsection.

''(6) GRANT PERIOD.—The Secretary shall make a grant under this subsection for a period of 2 years and may renew the grant, if the eligible entity has performed successfully, for a period of not more than 3 succeeding years.

''(7) MATCHING FUNDS REQUIRED.—The Secretary shall require that an eligible entity that receives a grant under this subsection provide non-Federal matching funds in an amount to be determined by the Secretary that is not less than 10 percent of the cost of activities carried out under the grant. The Secretary may require that such non-Federal matching funds be provided in cash resources, noncash resources, or a combination of cash and noncash resources.

''(8) EVALUATION.—The Secretary shall reserve not more than 3 percent of the funds described in subsection (a)(1) to provide technical assistance to, and conduct evaluations of (using appropriate techniques as described in section 172(c)), the projects funded under this subsection.

''(c) DISCRETIONARY GRANTS FOR YOUTH ACTIVITIES.—

''(1) IN GENERAL.—From the funds described in subsection (a)(2), the Secretary may award grants to eligible entities to provide activities that will assist youth in preparing for, and entering and retaining, employment.

''(2) ELIGIBLE ENTITY.—In this subsection, the term 'eligible entity' means a public or private entity that the Secretary determines would effectively carry out activities relating to youth under this subsection.

''(3) EQUITABLE DISTRIBUTION TO RURAL AREAS.—In awarding grants under this subsection the Secretary shall ensure an equitable distribution of such grants to rural areas.

''(4) APPLICATIONS.—To be eligible to receive a grant under this subsection, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(5) USE OF FUNDS.—

''(A) IN GENERAL.—An eligible entity that receives a grant under this subsection shall use the grant funds to carry out—

''(i) activities that will assist youth in preparing for, and entering and retaining, employment, including the activities described in section 129 for out-of-school youth;

''(ii) activities designed to assist in-school youth to stay in school and gain work experience;

''(iii) activities designed to assist youth in economically distressed areas; and

''(iv) such other activities that the Secretary determines are appropriate to ensure that youth entering the workforce have the skills needed by employers.

''(B) PARTICIPANT ELIGIBILITY.—Youth who are 14 years of age through 21 years of age, as of the time the eligibility determination is made, may be eligible to participate in activities carried out under this subsection.

''(6) MATCHING FUNDS REQUIRED.—The Secretary shall require that an eligible entity that receives a grant under this subsection provide non-Federal matching funds in an amount to be determined by the Secretary that is not less than 10 percent of the cost of activities carried out under the grant. The Secretary may require that such non-Federal matching funds be provided in cash resources, noncash resources, or a combination of cash and noncash resources.

''(7) EVALUATIONS.—The Secretary may require that an eligible entity that receives a grant under this subsection participate in an evaluation of activities carried out under this subsection, including an evaluation using the techniques described in section 172(c).''.

SEC. 145. TECHNICAL ASSISTANCE.

Section 170 (29 U.S.C. 2915) is amended—

(1) in subsection (a)(1), by—

(A) inserting ''the training of staff providing rapid response services, the training of other staff of recipients of funds under this title, the training of members of State boards and local boards, peer review activities under this title,'' after ''localities,''; and

(B) striking ''from carrying out activities'' and all that follows through the period and inserting ''to implement the amendments made by the Workforce Investment Act Amendments of 2003.'';

(2) in subsection (a)(2), by adding at the end the following: ''The Secretary shall also hire staff qualified to provide the assistance described in paragraph (1).'';

(3) in subsection (b)(2), by striking the last sentence and inserting ''Such projects shall be administered by the Employment and Training Administration.''; and

(4) by adding at the end the following:

''(c) BEST PRACTICES COORDINATION.—The Secretary shall—

''(1) establish a system through which States may share information regarding best practices with regard to the operation of workforce investment activities under this Act;

''(2) evaluate and disseminate information regarding best practices and identify knowledge gaps; and

''(3) commission research under section 172 to address knowledge gaps identified under paragraph (2).''.

SEC. 146. DEMONSTRATION, PILOT, MULTISERVICE, RESEARCH, AND MULTISTATE PROJECTS.

(a) DEMONSTRATION AND PILOT PROJECTS.—Section 171(b) (29 U.S.C. 2916(b)) is amended—

(1) in paragraph (1)—

(A) by striking ''Under a'' and inserting ''Consistent with the priorities specified in the'';

(B) by striking subparagraphs (A) through (E) and inserting the following:

''(A) projects that assist national employers in connecting with the workforce investment system established under this title in order to facilitate the recruitment and employment of needed workers for career ladder jobs and to provide information to such system on skills and occupations in demand;

''(B) projects that promote the development of systems that will improve the maximum effectiveness of programs carried out under this title;

''(C) projects that focus on opportunities for employment in industries and sectors of industries that are experiencing, or are likely to experience, high rates of growth and jobs with wages leading to self-sufficiency;

''(D) projects that establish and implement innovative integrated systems training programs targeted to dislocated, disadvantaged incumbent workers that utilize equipment and curriculum designed in partnership with local, regional, or national industries that is computerized, individualized, self-paced, and interactive that delivers skills and proficiencies that are measurable to train workers for employment in the operations, repair, and maintenance of high-tech equipment that is used in integrated systems technology;

''(E) projects carried out by States and local areas to test innovative approaches to delivering employment-related services;'';

(C) in subparagraph (G), by striking ''and'' after the semicolon; and

(D) by striking subparagraph (H) and inserting the following:

''(H) projects that provide retention grants to qualified job training programs upon placement or retention of a low-income individual trained by the program in employment with a single employer for a period of 1 year, if such employment provides the low-income individual with an annual salary that is not less than twice the poverty line applicable to the individual;

''(I) targeted innovation projects that improve access to and delivery of employment and training services, with emphasis given to projects that incorporate advanced technologies to facilitate the connection of individuals to the information and tools they need to upgrade skills; and

''(J) projects that promote the use of distance learning, enabling students to take courses through the use of media technology such as videos, teleconferencing computers, and the Internet.''; and

(2) in paragraph (2)—

(A) by striking subparagraph (B); and

(B) by redesignating subparagraph (C) as subparagraph (B).

(b) MULTISERVICE PROJECTS.—Section 171(c)(2)(B) (29 U.S.C. 2916(c)(2)(B)) is amended to read as follows:

''(B) STUDIES AND REPORTS.—

''(i) NET IMPACT STUDIES AND REPORTS.—

''(I) IN GENERAL.—The Secretary shall conduct studies to determine the net impacts of programs, services, and activities carried out under this title.

''(II) REPORTS.—The Secretary shall prepare and disseminate to the public reports containing the results of the studies conducted under subclause (I).

''(ii) STUDY ON RESOURCES AVAILABLE TO ASSIST OUT-OF-SCHOOL YOUTH.—The Secretary, in coordination with the Secretary of Education, may conduct a study examining the resources available at the Federal, State, and local levels to assist out-of-school youth in obtaining the skills, credentials, and work experience necessary to become successfully employed, including the availability of funds provided through average daily attendance and other methodologies used by States and local areas to distribute funds.

''(iii) STUDY OF INDUSTRY-BASED CERTIFICATION AND CREDENTIALS.—

''(I) IN GENERAL.—The Secretary shall conduct a study concerning the role and benefits of credentialing and certification to businesses and workers in the economy and the implications of certification to the services provided through the workforce investment system. The study may examine issues such as—

''(aa) the characteristics of successful credentialing and certification systems that serve business and individual needs;

''(bb) the relative proportions of certificates and credentials attained with assistance from the public sector, with private-sector training of new hires or incumbent workers, and by individuals on their own initiative without other assistance, respectively;

''(cc) the return on human capital investments from occupational credentials and industry-based skill certifications, including the extent to which acquisition of such credentials or certificates enhances outcomes such as entry into employment, retention, earnings (including the number and amount of wage increases), career advancement, and layoff aversion;

''(dd) the implications of the effects of skill certifications and credentials to the types and delivery of services provided through the workforce investment system;

''(ee) the role that Federal and State governments play in fostering the development of and disseminating credentials and skill standards; and

''(ff) the use of credentials by businesses to achieve goals for workforce skill upgrading and greater operating efficiency.

''(II) REPORT TO CONGRESS.—The Secretary shall prepare and submit to Congress a report containing the results of the study conducted pursuant to subclause (I). Such report may include any recommendations that the Secretary determines are appropriate to include in such report relating to promoting the acquisition of industry-based certification and credentials, and the appropriate role of the Department of Labor and the workforce investment system in supporting the needs of business and individuals with respect to such certification and credentials.

''(iv) STUDY OF EFFECTIVENESS OF WORKFORCE INVESTMENT SYSTEM IN MEETING BUSINESS NEEDS.—

''(I) IN GENERAL.—Using funds available to carry out this section jointly with funds available to the Secretary of Commerce and Administrator of the Small Business Administration, the Secretary, in coordination with the Secretary of Commerce and the Administrator of the Small Business Administration, may conduct a study of the effectiveness of the workforce investment system in meeting the needs of business, with particular attention to the needs of small business, including in assisting workers to obtain the skills needed to utilize emerging technologies. In conducting the study, the Secretary, in coordination with the Secretary of Commerce and the Administrator of the Small Business Administration, may examine issues such as—

''(aa) methods for identifying the workforce needs of businesses and how the requirements of small businesses may differ from larger establishments;

''(bb) business satisfaction with the workforce investment system, with particular emphasis on the satisfaction of small businesses;

''(cc) the extent to which business is engaged as a collaborative partner in the workforce investment system, including the extent of business involvement as members of State boards and local boards, and the extent to which such boards and one-stop centers effectively collaborate with business and industry leaders in developing workforce investment strategies, including strategies to identify high growth opportunities;

''(dd) ways in which the workforce investment system addresses changing skill needs of business that result from changes in technology and work processes;

''(ee) promising practices for serving small businesses;

''(ff) the extent and manner in which the workforce investment system uses technology to serve business and individual needs, and how uses of technology could enhance efficiency and effectiveness in providing services; and

''(gg) the extent to which various segments of the labor force have access to and utilize technology to locate job openings and apply for jobs, and characteristics of individuals utilizing such technology (such as age, gender, race or ethnicity, industry sector, and occupational groups).

''(II) REPORT TO CONGRESS.—The Secretary shall prepare and submit to Congress a report containing the results of the study described in clause (I). Such report may include any recommendations the Secretary determines are appropriate to include in such report, including ways to enhance the effectiveness of the workforce investment system in meeting the needs of business for skilled workers.''.

(c) CONFORMING AMENDMENT.—Section 171(d) (29 U.S.C. 2916(d)) is amended by striking the last sentence.

(d) WAIVER AUTHORITY TO CARRY OUT DEMONSTRATIONS AND EVALUATIONS.—Section 171 (29 U.S.C. 2916) is amended by adding at the end the following:

''(d) WAIVER AUTHORITY.—In carrying out demonstration, pilot, multiservice, research, and multistate projects under this section and evaluations under section 172, the Secretary may waive any provisions of this section that the Secretary determines would prevent the Secretary from carrying out such projects and evaluations, except for provisions relating to wage and labor standards such as nondisplacement protections, grievance procedures and judicial review, and nondiscrimination provisions.''.

(e) NEXT GENERATION TECHNOLOGIES.—Section 171 (29 U.S.C. 2916) is amended further by adding at the end the following:

''(e) SKILL CERTIFICATION PILOT PROJECTS.—

''(1) PILOT PROJECTS.—In accordance with subsection (b) and from funds appropriated pursuant to paragraph (10), the Secretary of Labor shall establish and carry out not more than 10 pilot projects to establish a system of industry-validated national certifications of skills, including—

''(A) not more than 8 national certifications of skills in high-technology industries, including biotechnology, telecommunications, highly automated manufacturing (including semiconductors), nanotechnology, and energy technology; and

''(B) not more than 2 cross-disciplinary national certifications of skills in homeland security technology.

''(2) GRANTS TO ELIGIBLE ENTITIES.—In carrying out the pilot projects, the Secretary of Labor shall make grants to eligible entities, for periods of not less than 36 months and not more than 48 months, to carry out the authorized activities described in paragraph (7) with respect to the certifications described in paragraph (1). In awarding grants under this subsection the Secretary of Labor shall take into consideration awarding grants to eligible entities from diverse geographic areas, including rural areas.

''(3) ELIGIBLE ENTITIES.—

''(A) DEFINITION OF ELIGIBLE ENTITY.—In this subsection the term 'eligible entity' means an entity that shall work in conjunction with a local board and shall include as a principal participant one or more of the following:

''(i) A community college or consortium of community colleges.

''(ii) An advanced technology education center.

''(iii) A local workforce investment board.

''(iv) A representative of a business in a target industry for the certification involved.

''(v) A representative of an industry association, labor organization, or community development organization.

''(B) HISTORY OF DEMONSTRATED CAPABILITY REQUIRED.—To be eligible to receive a grant under this subsection, an eligible entity shall have a history of demonstrated capability for effective collaboration with industry on workforce development activities that is consistent with the goals of this Act.

''(4) APPLICATIONS.—To be eligible to receive a grant under this subsection, an eligible entity shall submit an application to the Secretary of Labor at such time, in such manner, and containing such information as the Secretary may require.

''(5) –CRITERIA.—The Secretary of Labor shall establish criteria, consistent with paragraph (6), for awarding grants under this subsection.

''(6) PRIORITY.—In selecting eligible entities to receive grants under this subsection, the Secretary of Labor shall give priority to eligible entities that demonstrate the availability of and ability to provide matching funds from industry or nonprofit sources. Such matching funds may be provided in cash or in kind.

''(7) AUTHORIZED ACTIVITIES.—

''(A) IN GENERAL.—An eligible entity that receives a grant under this subsection shall use the funds made available through the grant—

''(i) to facilitate the establishment of certification requirements for a certification described in paragraph (1) for an industry;

''(ii) to develop and initiate a certification program that includes preparatory courses, course materials, procedures, and examinations, for the certification; and

''(iii) to collect and analyze data related to the program at the program's completion, and to identify best practices (consistent with paragraph (8)) that may be used by local and State workforce investment boards in the future.

''(B) BASIS FOR REQUIREMENTS.—The certification requirements shall be based on applicable skill standards for the industry involved that have been developed by or linked to national centers of excellence under the National Science Foundation's Advanced Technological Education Program. The requirements shall require an individual to demonstrate an identifiable set of competencies relevant to the industry in order to receive certification. The requirements shall be designed to provide evidence of a transferable skill set that allows flexibility and mobility of workers within a high technology industry.

''(C) RELATIONSHIP TO TRAINING AND EDUCATION PROGRAMS.—The eligible entity shall ensure that—

''(i) a training and education program related to competencies for the industry involved, that is flexible in mode and timeframe for delivery and that meets the needs of those seeking the certification, is offered; and

''(ii) the certification program is offered at the completion of the training and education program.

''(D) RELATIONSHIP TO THE ASSOCIATE DEGREE.—The eligible entity shall ensure that the certification program is consistent with the requirements for a 2-year associate degree.

''(E) AVAILABILITY.—The eligible entity shall ensure that the certification program is open to students pursuing associate degrees, employed workers, and displaced workers.

''(8) CONSULTATION.—The Secretary of Labor shall consult with the Director of the National Science Foundation to ensure that the pilot projects build on the expertise and information about best practices gained through the implementation of the National Science Foundation's Advanced Technological Education Program.

''(9) CORE COMPONENTS; GUIDELINES; REPORTS.—After collecting and analyzing the data obtained from the pilot programs, the Secretary of Labor shall—

''(A) establish the core components of a model high-technology certification program;

''(B) establish guidelines to assure development of a uniform set of standards and policies for such programs;

''(C) submit and prepare a report on the pilot projects to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives; and

''(D) make available to the public both the data and the report.

''(10) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated under section 174(b), there is authorized to be appropriated $30,000,000 for fiscal year 2004 to carry out this subsection.''.

(f) INTEGRATED WORKFORCE TRAINING PROGRAMS FOR ADULTS WITH LIMITED ENGLISH PROFICIENCY.—Section 171 (29 U.S.C. 2916) is amended further by adding at the end the following:

''(f) INTEGRATED WORKFORCE TRAINING PROGRAMS FOR ADULTS WITH LIMITED ENGLISH PROFICIENCY.—

''(1) DEFINITIONS.—In this subsection:

''(A) INTEGRATED WORKFORCE TRAINING.—The term 'integrated workforce training' means training that integrates occupational skills training with language acquisition.

''(B) SECRETARY.—The term 'Secretary' means the Secretary of Labor in consultation with the Secretary of Education.

''(2) DEMONSTRATION PROJECT.—In accordance with subsection (b) and from funds appropriated pursuant to paragraph (11), the Secretary shall establish and implement a national demonstration project designed to both analyze and provide data on workforce training programs that integrate English language acquisition and occupational training.

''(3) GRANTS.—

''(A) IN GENERAL.—In carrying out the demonstration project, the Secretary shall make not less than 10 grants, on a competitive basis, to eligible entities to provide the integrated workforce training programs. In awarding grants under this subsection the Secretary shall take into consideration awarding grants to eligible entities from diverse geographic areas, including rural areas.

''(B) PERIODS.—The Secretary shall make the grants for periods of not less than 24 months and not more than 48 months.

''(4) ELIGIBLE ENTITIES.—

''(A) IN GENERAL.—To be eligible to receive a grant under this subsection, an eligible entity shall work in conjunction with a local board and shall include as a principal participant one or more of the following:

''(i) An employer or employer association.

''(ii) A nonprofit provider of English language instruction.

''(iii) A provider of occupational or skills training.

''(iv) A community-based organization.

''(v) An educational institution, including a 2- or 4-year college, or a technical or vocational school.

''(vi) A labor organization.

''(vii) A local board.

''(B) EXPERTISE.—To be eligible to receive a grant under this subsection, an eligible entity shall have proven expertise in—

''(i) serving individuals with limited English proficiency, including individuals with lower levels of oral and written English; and

''(ii) providing workforce programs with training and English language instruction.

''(5) APPLICATIONS.—

''(A) IN GENERAL.—To be eligible to receive a grant under this subsection, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(B) CONTENTS.—Each application submitted under subparagraph (A) shall—

''(i) contain information, including capability statements, that demonstrates that the eligible entity has the expertise described in paragraph (4)(B); and

''(ii) include an assurance that the program to be assisted shall—

''(I) establish a generalized adult bilingual workforce training and education model that integrates English language acquisition and occupational training, and incorporates the unique linguistic and cultural factors of the participants;

''(II) establish a framework by which the employer, employee, and other relevant members of the eligible entity can create a career development and training plan that assists both the employer and the employee to meet their long-term needs;

''(III) ensure that this framework takes into consideration the knowledge, skills, and abilities of the employee with respect to both the current and economic conditions of the employer and future labor market conditions relevant to the local area; and

''(IV) establish identifiable measures so that the progress of the employee and employer and the relative efficacy of the program can be evaluated and best practices identified.

''(6) –CRITERIA.—The Secretary of Labor shall establish criteria for awarding grants under this subsection.

''(7) INTEGRATED WORKFORCE TRAINING PROGRAMS.—

''(A) PROGRAM COMPONENTS.—

''(i) REQUIRED COMPONENTS.—Each program that receives funding under this subsection shall—

''(I) test an individual's English language proficiency levels to assess oral and literacy gains from the beginning and throughout program enrollment;

''(II) combine training specific to a particular occupation or occupational cluster, with—

''(aa) English language instruction, such as instruction through English as a Second Language program, or English for Speakers of Other Languages;

''(bb) basic skills instruction; and

''(cc) supportive services;

''(III) effectively integrate public and private sector entities, including the local workforce investment system and its functions, to achieve the goals of the program; and

''(IV) require matching or in-kind resources from private and nonprofit entities.

''(ii) PERMISSIBLE COMPONENTS.—The program may offer other services, as necessary to promote successful participation and completion, including work-based learning, substance abuse treatment, and mental health services.

''(B) GOAL.—Each program that receives funding under this subsection shall be designed to prepare limited English proficient adults for and place such adults in employment in growing industries with identifiable career ladder paths.

''(C) PROGRAM TYPES.—In selecting programs to receive funding under this subsection, the Secretary shall select programs that meet 1 or more of the following criteria:

''(i) A program that—

''(I) serves unemployed, limited English proficient individuals with significant work experience or substantial education but persistently low wages; and

''(II) aims to prepare such individuals for and place such individuals in higher paying employment, defined for purposes of this subparagraph as employment that provides at least 75 percent of the median wage in the local area.

''(ii) A program that—

''(I) serves limited English proficient individuals with lower levels of oral and written fluency, who are working but at persistently low wages; and

''(II) aims to prepare such individuals for and place such individuals in higher paying employment, through services provided at the worksite, or at a location central to several worksites, during work hours.

''(iii) A program that—

''(I) serves unemployed, limited English proficient individuals with lower levels of oral and written fluency, who have little or no work experience; and

''(II) aims to prepare such individuals for and place such individuals in employment through services that include subsidized employment, in addition to the components required in subparagraph (A)(i).

''(iv) A program that includes funds from private and nonprofit entities.

''(D) PROGRAM APPROACHES.—In selecting programs to receive funding under this subsection, the Secretary shall select programs with different approaches to integrated workforce training, in different contexts, in order to obtain comparative data on multiple approaches to integrated workforce training and English language instruction, to ensure programs are tailored to characteristics of individuals with varying skill levels and to assess how different curricula work for limited English proficient populations. Such approaches may include—

''(i) bilingual programs in which the workplace language component and the training are conducted in a combination of an individual's native language and English;

''(ii) integrated workforce training programs that combine basic skills, language instruction, and job specific skills training; or

''(iii) sequential programs that provide a progression of skills, language, and training to ensure success upon an individual's completion of the program.

''(8) EVALUATION BY ELIGIBLE ENTITY.—Each eligible entity that receives a grant under this subsection for a program shall carry out a continuous program evaluation and an evaluation specific to the last phase of the program operations.

''(9) EVALUATION BY SECRETARY.—

''(A) IN GENERAL.—The Secretary shall conduct an evaluation of program impacts of the programs funded under the demonstration project, with a random assignment, experimental design impact study done at each worksite at which such a program is carried out.

''(B) DATA COLLECTION AND ANALYSIS.—The Secretary shall collect and analyze the data from the demonstration project to determine program effectiveness, including gains in language proficiency, acquisition of skills, and job advancement for program participants.

''(C) REPORT.—The Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives, and make available to the public, a report on the demonstration project, including the results of the evaluation.

''(10) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to recipients of grants under this subsection throughout the grant periods.

''(11) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated under section 174(b), there is authorized to be appropriated $10,000,000 for fiscal year 2004 to carry out this subsection.''.

SEC. 147. NATIONAL DISLOCATED WORKER GRANTS.

(a) IN GENERAL.—Section 173 (29 U.S.C. 2918) is amended—

(1) by striking the heading and inserting the following:

''SEC. 173. NATIONAL DISLOCATED WORKER GRANTS.'';

and

(2) in subsection (a)—

(A) by striking ''national emergency grants'' and inserting ''national dislocated worker grants'';

(B) in paragraph (1), by striking ''subsection (c)'' and inserting ''subsection (b)'';

(C) in paragraph (3), by striking ''and'' after the semicolon; and

(D) by striking paragraph (4) and inserting the following:

''(4) to a State or entity (as defined in subsection (b)(1)(B)) to carry out subsection (d), including providing assistance to eligible individuals;

''(5) to a State or entity (as defined in subsection (b)(1)(B)) to carry out subsection (e), including providing assistance to eligible individuals; and

''(6) to provide additional assistance to a State board or local board where a higher than average demand for employment and training services for dislocated members of the Armed Forces, or spouses of members of the Armed Forces as described in subsection (c)(2)(A)(iv), exceeds State and local resources for providing such services, and where such programs are to be carried out in partnership with the Departments of Defense and Veterans Affairs transition assistance programs.''.

(b) ADMINISTRATION AND ADDITIONAL ASSISTANCE.—Section 173 (29 U.S.C. 2918) is amended—

(1) by striking subsection (b);

(2) by redesignating subsections (c) through (g) as subsections (b) through (f), respectively;

(3) by striking subsection (d) (as redesignated by paragraph (2)) and inserting the following:

''(d) ADDITIONAL ASSISTANCE.—

''(1) IN GENERAL.—From the amount appropriated and made available to carry out this section for any program year, the Secretary shall use not more than $20,000,000 to make grants to States to provide employment and training activities under section 134, in accordance with subtitle B.

''(2) ELIGIBLE STATES.—The Secretary shall make a grant under paragraph (1) to a State for a program year if—

''(A) the amount of the allotment that would be made to the State for the program year 2003 under the formula specified in section 132(b)(1)(B) as such section was in effect on July 1, 2003, is greater than

''(B) the amount of the allotment that would be made to the State for the program year under the formula specified in section 132(b)(1)(B).

''(3) AMOUNT OF GRANTS.—Subject to paragraph (1), the amount of the grant made under paragraph (1) to a State for a program year shall be based on the difference between—

''(A) the amount of the allotment that would be made to the State for the program year 2003 under the formula specified in section 132(b)(1)(B) as such section was in effect on July 1, 2003; and

''(B) the amount of the allotment that would be made to the State for the program year under the formula specified in section 132(b)(1)(B).'';

(4) in subsection (e) (as redesignated by paragraph (2))—

(A) in paragraph (1), by striking ''paragraph (4)(A)'' and inserting ''paragraph (4)'';

(B) in paragraph (2), by striking ''subsection (g)'' and inserting ''subsection (e)'';

(C) in paragraph (4), by striking ''subsection (g)'' and inserting ''subsection (e)'';

(D) in paragraph (5), by striking ''subsection (g)'' and inserting ''subsection (e)''; and

(E) in paragraph (6)—

(i) by striking ''subsection (g)'' and inserting ''subsection (e)''; and

(ii) by striking ''subsection (c)(1)(B)'' and inserting ''subsection (b)(1)(B)''; and

(5) in subsection (f)(1) (as redesignated by paragraph (2))—

(A) by striking ''paragraph (4)(B)'' and inserting ''paragraph (4)''; and

(B) by striking ''subsection (f)(1)(A)'' and inserting ''subsection (d)(1)(A)''.

SEC. 148. AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL ACTIVITIES.

(a) IN GENERAL.—Section 174(a)(1) (29 U.S.C. 2919(a)(1)) is amended by striking ''1999 through 2003'' and inserting ''2004 through 2009''.

(b) RESERVATIONS.—Section 174(b) (29 U.S.C. 2919(b)) is amended to read as follows:

''(b) TECHNICAL ASSISTANCE; DEMONSTRATION AND PILOT PROJECTS, EVALUATIONS, INCENTIVE GRANTS.—There are authorized to be appropriated to carry out sections 170 through 172 and section 136(i) such sums as may be necessary for each of fiscal years 2004 through 2009.''.

Subtitle E—Administration

SEC. 151. REQUIREMENTS AND RESTRICTIONS.

Section 181(e) (29 U.S.C. 2931(e)) is amended by striking ''economic development activities,''.

SEC. 152. COST PRINCIPLES.

The matter preceding clause (i) of section 184(a)(2)(B) (29 U.S.C. 2934(a)(2)(B)) is amended by striking ''section 134(a)(3)(B)'' and inserting ''section 134(a)(4)''.

SEC. 153. REPORTS.

Section 185(c) (29 U.S.C. 2935(c)) is amended—

(1) in paragraph (2), by striking ''and'' after the semicolon''

(2) in paragraph (3), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(4) shall have the option to submit or disseminate electronically any reports, records, plans, or any other data that are required to be collected or disseminated under this Act.''.

SEC. 154. ADMINISTRATIVE PROVISIONS.

(a) ANNUAL REPORT.—Section 189(d) (29 U.S.C. 2939(d)) is amended—

(1) in paragraph (3), by striking ''and'' after the semicolon;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following:

''(4) the negotiated levels of performance of the States, the States' requests for adjustments of such levels, and the adjustments of such levels that are made; and''.

(b) PROGRAM YEAR.—Section 189(g)(1)(B) (29 U.S.C. 2939(g)(1)(B)) is amended—

(1) by striking ''The'' and inserting ''For fiscal years preceding fiscal year 2005, the''; and

(2) by inserting ''such'' after ''any''.

(c) AVAILABILITY.—Section 189(g)(2) (29 U.S.C. 2939(g)(2)) is amended, in the first sentence—

(1) by striking ''Funds'' and inserting ''Except as otherwise provided in this paragraph, funds''; and

(2) by striking ''each State receiving'' and inserting ''each recipient of''.

(d) GENERAL WAIVERS.—Section 189(i)(4) (29 U.S.C. 2939(i)(4)) is amended by adding at the end the following:

''(D) EXPEDITED REQUESTS.—The Secretary shall expedite requests for waivers of statutory or regulatory requirements that have been approved for a State pursuant to subparagraph (B), provided the requirements of this section have been satisfied.''.

SEC. 155. USE OF CERTAIN REAL PROPERTY.

Section 193 (29 U.S.C. 2943) is amended to read as follows:

''SEC. 193. TRANSFER OF FEDERAL EQUITY IN STATE EMPLOYMENT SECURITY AGENCY REAL PROPERTY TO THE STATES.

''(a) TRANSFER OF FEDERAL EQUITY.—Notwithstanding any other provision of law, any Federal equity acquired in real property through grants to States awarded under title III of the Social Security Act (42 U.S.C. 501 et seq.) or under the Wagner-Peyser Act is transferred to the States that used the grants for the acquisition of such equity. The portion of any real property that is attributable to the Federal equity transferred under this section shall be used to carry out activities authorized under title III of the Social Security Act or the Wagner-Peyser Act. Any disposition of such real property shall be carried out in accordance with the procedures prescribed by the Secretary and the portion of the proceeds from the disposition of such real property that is attributable to the Federal equity transferred under this section shall be used to carry out activities authorized under title III of the Social Security Act or the Wagner-Peyser Act.

''(b) LIMITATION ON USE.—A State shall not use funds awarded under title III of the Social Security Act or the Wagner-Peyser Act to amortize the costs of real property that is purchased by any State on or after the effective date of this provision.''.

SEC. 156. TABLE OF CONTENTS.

Section 1(b) (29 U.S.C. 9201 note) is amended—

(1) by striking the item relating to section 123 and inserting the following:

''Sec. 123. Eligible providers of youth activities.'';

(2) by striking the item relating to section 169 and inserting the following:

''Sec. 169. Youth challenge grants.'';

(3) by striking the item relating to section 193 and inserting the following:

''Sec. 193. Transfer of Federal equity in State employment security agency real property to the States.'';

(4) by striking the item relating to section 173 and inserting the following:

''Sec. 173. National dislocated worker grants.'';

(5) by inserting after the item relating to section 212 the following:

''Sec. 213. Incentive grants for States.''; and

(6) by inserting after the item relating to section 243 the following:

''Sec. 244. Integrated english literacy and civics education.''.

TITLE II—AMENDMENTS TO THE ADULT EDUCATION AND FAMILY LITERACY ACT

SEC. 201. SHORT TITLE; PURPOSE.

(a) SHORT TITLE.—This title may be cited as the ''Adult Education and Family Literacy Act Amendments of 2003''.

(b) PURPOSE.—Section 202 of the Adult Education and Family Literacy Act (20 U.S.C. 9201) is amended—

(1) in paragraph (2), by striking ''and'' after the semicolon;

(2) in paragraph (3), by striking ''education.'' and inserting ''education and in the transition to postsecondary education; and''; and

(3) by adding at the end the following:

''(4) assist immigrants and other individuals with limited English proficiency in improving their reading, writing, speaking, and mathematics skills and acquiring an understanding of the American free enterprise system, individual freedom, and the responsibilities of citizenship.''.

SEC. 202. DEFINITIONS.

Section 203 of the Adult Education and Family Literacy Act (20 U.S.C. 9202) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ''services or instruction below the postsecondary level'' and inserting ''academic instruction and education services below the postsecondary level that increase an individual's ability to read, write, and speak in English and perform mathematics skills''; and

(B) by striking subparagraph (C)(i) and inserting the following:

''(i) are basic skills deficient as defined in section 101;'';

(2) in paragraph (2), by striking ''activities described in section 231(b)'' and inserting ''programs and services which include reading, writing, speaking, or mathematics skills, workplace literacy activities, family literacy activities, English language acquisition activities, or other activities necessary for the attainment of a secondary school diploma or its State recognized equivalent'';

(3) in paragraph (5)—

(A) by inserting ''an organization that has demonstrated effectiveness in providing adult education, that may include'' after ''means'';

(B) in subparagraph (B), by striking ''of demonstrated effectiveness'';

(C) in subparagraph (C), by striking ''of demonstrated effectiveness''; and

(D) in subparagraph (I), by inserting ''or coalition'' after ''consortium'';

(4) in paragraph (6)—

(A) by striking ''LITERACY PROGRAM'' and inserting ''LANGUAGE ACQUISITION PROGRAM'';

(B) by striking ''literacy program'' and inserting ''language acquisition program''; and

(C) by inserting ''reading, writing, and speaking'' after ''competence in'';

(5) by redesignating paragraphs (7) through (18) as paragraphs (8) through (19), respectively;

(6) by inserting after paragraph (6) the following:

''(7) ESSENTIAL COMPONENTS OF READING INSTRUCTION.—The term 'essential components of reading instruction' has the meaning given the term in section 1208 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6368).''; and

(7) by striking paragraph (19), as redesignated by paragraph (4), and inserting the following:

''(19) WORKPLACE LITERACY PROGRAM.—The term 'workplace literacy program' means an educational program designed to improve the productivity of the workforce through the improvement of literacy skills that is offered by an eligible provider in collaboration with an employer or an employee organization at a workplace, at an off-site location, or in a simulated workplace environment.''.

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

Section 205 of the Adult Education and Family Literacy Act (20 U.S.C. 9204) is amended—

(1) by striking ''1999'' and inserting ''2004''; and

(2) by striking ''2003'' and inserting ''2009''.

SEC. 204. RESERVATION OF FUNDS; GRANTS TO ELIGIBLE AGENCIES; ALLOTMENTS.

Section 211 of the Adult Education and Family Literacy Act (20 U.S.C. 9211) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) RESERVATION OF FUNDS.—From the sum appropriated under section 205 for a fiscal year, the Secretary—

''(1) shall reserve 1.5 percent to carry out section 242, except that the amount so reserved shall not exceed $10,000,000;

''(2) shall reserve 1.5 percent to carry out section 243, except that the amount so reserved shall not exceed $8,000,000;

''(3) shall make available, to the Secretary of Labor, 1.72 percent for incentive grants under section 136(i); and

''(4) shall reserve 12 percent of the amount that remains after reserving funds under paragraphs (1), (2) and (3) to carry out section 244.'';

(2) by striking subsection (d) and inserting the following:

''(d) QUALIFYING ADULT.—For the purpose of subsection (c)(2), the term 'qualifying adult' means an adult who—

''(1) is not less than 16 years of age;

''(2) is beyond the age of compulsory school attendance under the law of the State or outlying area;

''(3) does not have a secondary school diploma or its recognized equivalent (including recognized alternative standards for individuals with disabilities); and

''(4) is not enrolled in secondary school.'';

(3) in subsection (e)—

(A) by striking paragraph (2) and inserting the following:

''(2) AWARD BASIS.—The Secretary shall award grants pursuant to paragraph (1) on a competitive basis and pursuant to recommendations from the Pacific Region Educational Laboratory in Honolulu, Hawaii.''; and

(B) in paragraph (3), by striking ''shall'' and all that follows through the period and inserting ''shall be eligible to receive a grant under this title until the date when an agreement for the extension of the United States education assistance under the Compact of Free Association for each of the Freely Associated States becomes effective.''; and

(4) in subsection (f)—

(A) in the heading, by inserting ''PROVISIONS'' after ''HOLD-HARMLESS'';

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—Notwithstanding subsection (c) and subject to paragraphs (2) and (3), for fiscal year 2004 and each succeeding fiscal year, no eligible agency shall receive an allotment under this title that is less than 90 percent of the allotment the eligible agency received for the preceding fiscal year under this title.

''(2) 100 PERCENT ALLOTMENT.—An eligible agency shall receive an allotment under this title that is equal to 100 percent of the allotment the eligible agency received for the preceding fiscal year under this title if the eligible agency received, for the preceding fiscal year, only an initial allotment under subsection (c)(1) and did not receive an additional allotment under subsection (c)(2).''.

SEC. 205. PERFORMANCE ACCOUNTABILITY SYSTEM.

Section 212 of the Adult Education and Family Literacy Act (20 U.S.C. 9212) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A)(ii), by striking ''additional indicators of performance (if any)'' and inserting ''employment performance indicators'';

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in clause (i), by striking ''Demonstrated'' and inserting ''Measurable'';

(II) by striking clause (ii) and inserting the following:

''(ii) Placement in, retention in, or completion of, postsecondary education or other training programs.''; and

(III) in clause (iii), by inserting ''(including recognized alternative standards for individuals with disabilities)'' after ''equivalent'';

(ii) by redesignating subparagraph (B) as subparagraph (C);

(iii) by inserting after subparagraph (A), the following:

''(B) EMPLOYMENT PERFORMANCE INDICATORS.—An eligible agency shall identify in the State plan individual participant employment performance indicators, including entry into unsubsidized employment, retention in unsubsidized employment, and career advancement. The State workforce investment board shall assist the eligible agency in obtaining and using quarterly wage records to collect data for such indicators, consistent with applicable Federal and State privacy laws.'';

(iv) in subparagraph (C), as redesignated by clause (ii), by inserting ''relevant'' after ''additional''; and

(v) by adding at the end the following:

''(D) INDICATORS FOR WORKPLACE LITERACY PROGRAMS.—Special accountability measures may be negotiated for workplace literacy programs.''; and

(C) in paragraph (3)—

(i) in subparagraph (A)—

(I) in clause (i)(II), by striking ''in performance'' and inserting ''the agency's performance outcomes in an objective, quantifiable, and measurable form'';

(II) in clause (ii), by striking ''3 programs years'' and inserting ''2 program years'';

(III) in clause (iii), by striking ''FIRST 3 YEARS'' and inserting ''FIRST 2 YEARS'';

(IV) in clause (iii), by striking ''first 3 program years'' and inserting ''first 2 program years'';

(V) in clause (v), by striking ''4TH AND 5TH'' and inserting ''3RD AND 4TH'';

(VI) in clause (v), by striking ''to the fourth'' and inserting ''to the third'';

(VII) in clause (v), by striking ''fourth and fifth'' and inserting ''third and fourth''; and

(VIII) in clause (vi), by striking ''(II)'' and inserting ''(I)'';

(ii) in subparagraph (B)—

(I) by striking the heading and inserting ''LEVELS OF EMPLOYMENT PERFORMANCE'';

(II) by striking ''may'' and inserting ''shall''; and

(III) by striking ''additional'' and inserting ''employment''; and

(iii) by adding at the end the following:

''(C) ALTERNATIVE ASSESSMENT SYSTEMS.—Eligible agencies may approve the use of assessment systems that are not commercially available standardized systems if such systems meet the Standards for Educational and Psychological Testing issued by the Joint Committee on Standards for Educational and Psychological Testing of the American Educational Research Association, the American Psychological Association, and the National Council on Measurement in Education.'';

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by inserting ''the Governor, the State legislature, and the State workforce investment board'' after ''Secretary''; and

(ii) by striking ''including'' and all that follows through the period and inserting ''including the following:

''(A) Information on the levels of performance achieved by the eligible agency with respect to the core indicators of performance, and employment performance indicators.

''(B) The number and type of each eligible provider that receives funding under such grant.

''(C) The number of enrollees 16 to 18 years of age who enrolled in adult education not later than 1 year after participating in secondary school education.'';

(B) in paragraph (2)(A), by inserting ''eligible providers and'' after ''available to''; and

(C) by adding at the end the following:

''(3) DATA ACCESS.—The report made available under paragraph (2) shall indicate which eligible agencies did not have access to State unemployment insurance wage data in measuring employment performance indicators.''; and

(3) by adding at the end the following:

''(d) PROGRAM IMPROVEMENT.—

''(1) IN GENERAL.—If the Secretary determines that an eligible agency did not meet its adjusted levels of performance for the core indicators of performance described in subsection (b)(2)(A) for any program year, the eligible agency shall—

''(A) work with the Secretary to develop and implement a program improvement plan for the 2 program years succeeding the program year in which the eligible agency did not meet its adjusted levels of performance; and

''(B) revise its State plan under section 224, if necessary, to reflect the changes agreed to in the program improvement plan.

''(2) FURTHER ASSISTANCE.—If, after the period described in paragraph (1)(A), the Secretary has provided technical assistance to the eligible agency but determines that the eligible agency did not meet its adjusted levels of performance for the core indicators of performance described in subsection (b)(2)(A), the Secretary may require the eligible agency to make further revisions to the program improvement plan described in paragraph (1). Such further revisions shall be accompanied by further technical assistance from the Secretary.''.

SEC. 206. STATE ADMINISTRATION.

Section 221(1) of the Adult Education and Family Literacy Act (20 U.S.C. 9221(1)) is amended by striking ''and implementation'' and inserting ''implementation, and monitoring''.

SEC. 207. STATE DISTRIBUTION OF FUNDS; MATCHING REQUIREMENT.

Section 222 of the Adult Education and Family Literacy Act (20 U.S.C. 9222) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''82.5'' the first place such term appears and inserting ''80''; and

(ii) by striking ''the 82.5 percent'' and inserting ''such amount'';

(B) in paragraph (2), by striking ''not more than 12.5 percent'' and inserting ''not more than 15 percent''; and

(C) in paragraph (3), by striking ''$65,000'' and inserting ''$75,000''; and

(2) in subsection (b)(1), by striking ''equal to'' and inserting ''that is not less than''.

SEC. 208. STATE LEADERSHIP ACTIVITIES.

Section 223 of the Adult Education and Family Literacy Act (20 U.S.C. 9223) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting ''to develop or enhance the adult education system of the State'' after ''activities'';

(B) in paragraph (1), by striking ''instruction incorporating'' and all that follows through the period and inserting ''instruction incorporating the essential components of reading instruction and instruction provided by volunteers or by personnel of a State or outlying area.'';

(C) in paragraph (2), by inserting '', including development and dissemination of instructional and programmatic practices based on the most rigorous research available in reading, writing, speaking, mathematics, English language acquisition programs, distance learning and staff training'' after ''activities'';

(D) in paragraph (5), by striking ''monitoring and'';

(E) by striking paragraph (6) and inserting the following:

''(6) The development and implementation of technology applications, translation technology, or distance learning, including professional development to support the use of instructional technology.''; and

(F) by striking paragraph (7) through paragraph (11) and inserting the following:

''(7) Coordination with—

''(A) other partners carrying out activities authorized under this Act;

''(B) existing support services, such as transportation, child care, mental health services, and other assistance designed to increase rates of enrollment in, and successful completion of adult education and literacy activities, for adults enrolled in such activities.

''(8) Developing and disseminating curricula, including curricula incorporating the essential components of reading instruction as they relate to adults.

''(9) The provision of assistance to eligible providers in developing, implementing, and reporting measurable progress in achieving the objectives of this subtitle.

''(10) The development and implementation of a system to assist in the transition from adult basic education to postsecondary education, including linkages with postsecondary educational institutions.

''(11) Integration of literacy and English language instruction with occupational skill training, and promoting linkages with employers.

''(12) Activities to promote workplace literacy programs.

''(13) Activities to promote and complement local outreach initiatives described in section 243(c)(2)(H).

''(14) In cooperation with efforts funded under sections 242 and 243, the development of curriculum frameworks and rigorous content standards that—

''(A) specify what adult learners should know and be able to do in the areas of reading and language arts, mathematics, and English language acquisition; and

''(B) take into consideration the following:

''(i) State academic standards established under section 1111(b) of the Elementary and Secondary Education Act of 1965.

''(ii) The current adult skills and literacy assessments used in the State.

''(iii) The core indicators of performance established under section 212(b)(2)(A).

''(iv) Standards and academic requirements for enrollment in non-remedial, for-credit, courses in State supported postsecondary education institutions.

''(v) Where appropriate, the basic and literacy skill content of occupational and industry skill standards widely used by business and industry in the State.

''(15) In cooperation with efforts funded under sections 242 and 243, development and piloting of—

''(A) new assessment tools and strategies that identify the needs and capture the gains of students at all levels, with particular emphasis on—

''(i) students at the lowest achievement level;

''(ii) students who have limited English proficiency; and

''(iii) adults with learning disabilities;

''(B) options for improving teacher quality and retention; and

''(C) assistance in converting research into practice.

''(16) The development and implementation of programs and services to meet the needs of adult learners with learning disabilities or limited English proficiency.

''(17) Other activities of statewide significance that promote the purpose of this title.''; and

(2) in subsection (c), by striking ''being State- or outlying area-imposed'' and inserting ''being imposed by the State or outlying area''.

SEC. 209. STATE PLAN.

Section 224 of the Adult Education and Family Literacy Act (20 U.S.C. 9224) is amended—

(1) in subsection (a)—

(A) by striking the heading and inserting ''4-YEAR PLANS''; and

(B) in paragraph (1), by striking ''5'' and inserting ''4'';

(2) in subsection (b)—

(A) in paragraph (1), by inserting ''and the role of provider and cooperating agencies in preparing the assessment'' after ''serve'';

(B) by striking paragraph (2) and inserting the following:

''(2) a description of how the eligible agency will address the adult education and literacy needs identified under paragraph (1) in each workforce development area of the State, using funds received under this subtitle, as well as other Federal, State, or local funds received in partnership with other agencies for the purpose of adult literacy as applicable;'';

(C) in paragraph (3)—

(i) by inserting ''and measure'' after ''evaluate'';

(ii) by inserting ''and improvement'' after ''effectiveness''; and

(iii) by striking ''212'' and inserting ''212, including—

''(A) how the eligible agency will evaluate and measure annually such effectiveness on a grant-by-grant basis; and

''(B) how the eligible agency—

''(i) will hold eligible providers accountable regarding the progress of such providers in improving the academic achievement of participants in adult education programs under this subtitle and regarding the core indicators of performance described in section 212(b)(2)(A); and

''(ii) will use technical assistance, sanctions, and rewards (including allocation of grant funds based on performance and termination of grant funds based on performance)'';

(D) in paragraph (4), by striking ''will ensure the improvement of'' and inserting ''improved'';

(E) by redesignating paragraphs (5) through (12) as paragraphs (6) through (13), respectively;

(F) by inserting after paragraph (4) the following:

''(5) a description of how the eligible agency will improve teacher quality, the professional development of eligible providers, and instruction;'';

(G) in paragraph (6) (as redesignated by subparagraph (E)), by striking ''who'' and all that follows through the semicolon and inserting ''that—

''(A) offers flexible schedules and coordinates with necessary Federal, State, and local support services (such as child care, transportation, mental health services, and case management) to enable individuals, including individuals with disabilities or individuals with other special needs, to participate in adult education and literacy activities; and

''(B) attempts to coordinate with support services that are not provided under this subtitle prior to using funds for adult education and literacy activities provided under this subtitle for support services;'';

(H) in paragraph (10) (as redesignated by subparagraph (E)), by striking ''plan'' and inserting ''plan, which process—

''(A) shall include the State Workforce Investment Board, the Governor, State officials representing public schools, community colleges, welfare agencies, agencies that provide services to individuals with disabilities, other State agencies that promote or operate adult education and literacy activities, and direct providers of such adult literacy services;

''(B) may include consultation with the State agency for higher education, institutions responsible for professional development of adult education and literacy education program instructors, institutions of higher education, representatives of business and industry, refugee assistance programs, and community-based organizations, as defined in section 101;'';

(I) in paragraph (11) (as redesignated by subparagraph (E))—

(i) by inserting ''assess potential population needs and'' after ''will'';

(ii) in subparagraph (A), by striking ''students'' and inserting ''individuals'';

(iii) in subparagraph (C), by striking ''and'' after the semicolon; and

(iv) by adding at the end the following:

''(E) the unemployed; and

''(F) those who are employed, but at levels below self-sufficiency, as defined in section 101.'';

(J) in paragraph (12) (as redesignated by subparagraph (E))—

(i) by inserting ''and how the plan submitted under this subtitle is coordinated with the plan submitted by the State under title I'' after ''eligible agency''; and

(ii) by striking ''and'' after the semicolon;

(K) in paragraph (13) (as redesignated by subparagraph (E)), by striking ''231(c)(1).'' and inserting ''231(c)(1), including—

''(A) how the State will build the capacity of organizations that provide adult education and literacy activities; and

''(B) how the State will increase the participation of business and industry in adult education and literacy activities;''; and

(L) by adding at the end the following:

''(14) a description of how the eligible agency will consult with any State agency responsible for postsecondary education to develop adult education programs and services (including academic skill development and support services) that prepare students to enter postsecondary education upon completion of secondary school programs or their recognized equivalent;

''(15) a description of how the eligible agency will consult with the State agency responsible for workforce development to develop adult education programs and services that are designed to prepare students to enter the workforce; and

''(16) a description of how the eligible agency will improve the professional development of eligible providers of adult education and literacy activities.'';

(3) in subsection (c), by adding at the end the following: ''At a minimum, such revision shall occur every 2 years.''; and

(4) in subsection (d)—

(A) in paragraph (1), by inserting '', the chief State school officer, the State officer responsible for administering community and technical colleges, and the State Workforce Investment Board'' after ''Governor''; and

(B) in paragraph (2), by striking ''comments'' and all that follows through the period and inserting ''comments regarding the State plan by the Governor, the chief State school officer, the State officer responsible for administering community and technical colleges, and the State Workforce Investment Board, and any revision to the State plan, are submitted to the Secretary.''.

SEC. 210. PROGRAMS FOR CORRECTIONS EDUCATION AND OTHER INSTITUTIONALIZED INDIVIDUALS.

Section 225 of the Adult Education and Family Literacy Act (20 U.S.C. 9225) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''basic education'' and inserting ''adult education and literacy activities'';

(B) in paragraph (2) by inserting ''and'' after the semicolon;

(C) by striking paragraph (3); and

(D) by redesignating paragraph (4) as paragraph (3); and

(2) in subsection (d), by striking ''DEFINITION OF CRIMINAL OFFENDER.—'' and inserting ''DEFINITIONS.—In this section:''.

SEC. 211. GRANTS AND CONTRACTS FOR ELIGIBLE PROVIDERS.

Section 231 of the Adult Education and Family Literacy Act (20 U.S.C. 9241) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''workplace literacy services'' and inserting ''workplace literacy programs''; and

(B) in paragraph (3), by striking ''literacy'' and inserting ''language acquisition'';

(2) in subsection (e)—

(A) in paragraph (1), by inserting ''to be achieved annually on the core indicators of performance and employment performance indicators described in section 212(b)(2)'' after ''outcomes'';

(B) by striking paragraph (3) and inserting the following:

''(3) the commitment of the eligible provider to be responsive to local needs and to serve individuals in the community who were identified by the assessment as most in need of adult literacy services, including individuals who are low-income, have minimal literacy skills, have learning disabilities, or have limited English proficiency;'';

(C) in paragraph (4)(B), by striking '', such as'' and all that follows through the semicolon and inserting ''that include the essential components of reading instruction;'';

(D) in paragraph (5), by striking ''research'' and inserting ''the most rigorous research available'';

(E) in paragraph (7), by inserting '', when appropriate and based on the most rigorous research available,'' after ''real life contexts'';

(F) in paragraph (9), by inserting ''education, job-training, and social service'' after ''other available'';

(G) in paragraph (10)—

(i) by inserting ''coordination with Federal, State, and local'' after ''schedules and''; and

(ii) by striking ''and transportation'' and inserting '', transportation, mental health services, and case management'';

(H) in paragraph (11)—

(i) by inserting ''measurable'' after ''report'';

(ii) by striking ''eligible agency'';

(iii) by inserting ''established by the eligible agency'' after ''performance measures''; and

(iv) by striking ''and'' after the semicolon;

(I) in paragraph (12), by striking ''literacy programs.'' and inserting ''language acquisition programs and civics education programs;''; and

(J) by adding at the end the following:

''(13) the capacity of the eligible provider to produce information on performance results, including enrollments and measurable participant outcomes;

''(14) whether reading, writing, speaking, mathematics, and English language acquisition instruction provided by the eligible provider are based on the best practices derived from the most rigorous research available;

''(15) whether the eligible provider's applications of technology and services to be provided are sufficient to increase the amount and quality of learning and lead to measurable learning gains within specified time periods; and

''(16) the capacity of the eligible provider to serve adult learners with learning disabilities.''.

SEC. 212. LOCAL APPLICATION.

Section 232 of the Adult Education and Family Literacy Act (20 U.S.C. 9242) is amended—

(1) in paragraph (1)—

(A) by inserting ''consistent with the requirements of this subtitle'' after ''spent''; and

(B) by striking ''and'' after the semicolon;

(2) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(3) each of the demonstrations required under section 231(e).''.

SEC. 213. LOCAL ADMINISTRATIVE COST LIMITS.

Section 233 of the Adult Education and Family Literacy Act (20 U.S.C. 9243) is amended—

(1) in subsection (a)(2)—

(A) by inserting ''and professional'' after ''personnel''; and

(B) by inserting ''development of measurable goals in reading, writing, and speaking the English language, and in mathematical computation,'' after ''development,''; and

(2) in subsection (b)—

(A) by inserting ''and professional'' after ''personnel''; and

(B) by inserting ''development of measurable goals in reading, writing, and speaking the English language, and in mathematical computation,'' after ''development,''.

SEC. 214. ADMINISTRATIVE PROVISIONS.

Section 241(b) of the Adult Education and Family Literacy Act (20 U.S.C. 9251(b)) is amended—

(1) in paragraph (1)(A)—

(A) by striking ''adult education and literacy activities'' both places such terms appear and inserting ''activities under this subtitle''; and

(B) by striking ''was'' and inserting ''were''; and

(2) in paragraph (4)—

(A) by inserting ''not more than'' after ''this subsection for''; and

(B) by striking ''only''.

SEC. 215. NATIONAL INSTITUTE FOR LITERACY.

Section 242 of the Adult Education and Family Literacy Act (20 U.S.C. 9252) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''literacy'' and inserting ''effective literacy programs for children, youth, adults, and families'';

(B) in paragraph (2), by inserting ''and disseminates information on'' after ''coordinates''; and

(C) by striking paragraph (3)(A) and inserting the following:

''(A) coordinating and participating in the Federal effort to identify and disseminate information on literacy that is derived from scientifically based research, or the most rigorous research available and effective programs that serve children, youth, adults, and families.'';

(2) by striking subsection (b)(3) and inserting the following:

''(3) RECOMMENDATIONS.—The Interagency Group, in consultation with the National Institute for Literacy Advisory Board (in this section referred to as the 'Board') established under subsection (e), shall plan the goals of the Institute and the implementation of any programs to achieve the goals. The Board may also request a meeting of the Interagency Group to discuss any recommendations the Board may make.'';

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by striking ''to establish'' and inserting ''to maintain'';

(II) in clause (i), by striking ''phonemic awareness, systematic phonics, fluency, and reading comprehension'' and inserting ''the essential components of reading instruction'';

(III) in clause (iii), by striking ''and'' after the semicolon;

(IV) in clause (iv), by inserting ''and'' after the semicolon; and

(V) by adding at the end the following:

''(v) a list of local adult education and literacy programs;'';

(ii) in subparagraph (C)—

(I) by striking ''reliable and replicable research'' and inserting ''reliable and replicable research as defined by the Institute of Education Sciences''; and

(II) by striking ''especially with the Office of Educational Research and Improvement in the Department of Education,'';

(iii) in subparagraph (D), by striking ''phonemic awareness, systematic phonics, fluency, and reading comprehension based on'' and inserting ''the essential components of reading instruction and'';

(iv) in subparagraph (H), by striking ''and'' after the semicolon;

(v) in subparagraph (I), by striking the period at the end and inserting a semicolon; and

(vi) by adding at the end the following:

''(J) to work cooperatively with the Department of Education to assist States that are pursuing the implementation of standards-based educational improvements for adults through the dissemination of training, technical assistance, and related support and through the development and dissemination of related standards-based assessment instruments; and

''(K) to identify rigorous research on the effectiveness of instructional practices and organizational strategies relating to literacy programs on the acquisition of skills in reading, writing, English acquisition, and mathematics.''; and

(B) by adding at the end the following:

''(3) COORDINATION.—In identifying the reliable and replicable research the Institute will support, the Institute shall use standards for research quality that are consistent with those of the Institute of Education Sciences.'';

(4) in subsection (e)—

(A) in paragraph (1)(B)—

(i) in clause (i), by striking ''literacy programs'' and inserting ''language acquisition programs'';

(ii) in clause (ii), by striking ''literacy programs'' and inserting ''or have participated in or partnered with workplace literacy programs'';

(iii) in clause (iv), by inserting '', including adult literacy research'' after ''research'';

(iv) in clause (vi), by striking ''and'' after the semicolon;

(v) in clause (vii), by striking the period at the end and inserting ''; and''; and

(vi) by adding at the end the following:

''(viii) institutions of higher education.'';

(B) in paragraph (2)—

(i) in subparagraph (B), by striking ''and'' after the semicolon;

(ii) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(D) review the biennial report submitted to Congress pursuant to subsection (k).''; and

(C) in paragraph (5), by striking the second sentence and inserting the following: ''A recommendation of the Board may be passed only by a majority of the Board's members present at a meeting for which there is a quorum.''; and

(5) in subsection (k)—

(A) by striking ''Labor and Human Resources'' and inserting ''Health, Education, Labor, and Pensions''; and

(B) by striking ''The Institute shall submit a report biennially to'' and inserting ''Not later than 1 year after the date of enactment of the Adult Education and Family Literacy Act Amendments of 2003, and biennially thereafter, the Institute shall submit a report to''.

SEC. 216. NATIONAL LEADERSHIP ACTIVITIES.

Section 243 of the Adult Education and Family Literacy Act (20 U.S.C. 9253) is amended to read as follows:

''SEC. 243. NATIONAL LEADERSHIP ACTIVITIES.

''(a) IN GENERAL.—The Secretary shall establish and carry out a program of national leadership activities to enhance the quality of adult education and literacy programs nationwide.

''(c) PERMISSIVE ACTIVITIES.—The national leadership activities described in subsection (a) may include the following:

''(1) Technical assistance, including—

''(A) assistance provided to eligible providers in developing and using performance measures for the improvement of adult education and literacy activities, including family literacy services;

''(B) assistance related to professional development activities, and assistance for the purposes of developing, improving, identifying, and disseminating the most successful methods and techniques for providing adult education and literacy activities, including family literacy services, based on scientific evidence where available;

''(C) assistance in distance learning and promoting and improving the use of technology in the classroom;

''(D) assistance in developing valid, measurable, and reliable performance data, including data around employment and employment outcome, and using performance information for the improvement of adult education and literacy programs; and

''(E) assistance to help States, particularly low-performing States, meet the requirements of section 212.

''(2) A program of grants, contracts, or cooperative agreements awarded on a competitive basis to national, regional, or local networks of private nonprofit organizations, public libraries, or institutions of higher education to build the capacity of such networks' members to meet the performance requirements of eligible providers under this title and involve adult learners in program improvement.

''(3) Funding national leadership activities that are not described in paragraph (1), either directly or through grants, contracts, or cooperative agreements awarded on a competitive basis to or with postsecondary educational institutions, public or private organizations or agencies, or consortia of such institutions, organizations, or agencies, such as—

''(A) developing, improving, and identifying the most successful methods and techniques for addressing the education needs of adults, including instructional practices using the essential components of reading instruction based on the work of the National Institute of Child Health and Human Development;

''(B) increasing the effectiveness of, and improving the quality of, adult education and literacy activities, including family literacy services;

''(C) carrying out research on national literacy basic skill acquisition for adult learning, including estimating the number of adults functioning at the lowest levels of literacy proficiency;

''(D)(i) carrying out demonstration programs;

''(ii) disseminating best practices information, including information regarding promising practices resulting from federally funded demonstration programs; and

''(iii) developing and replicating best practices and innovative programs, including—

''(I) the development of models for basic skill certificates;

''(II) the identification of effective strategies for working with adults with learning disabilities and with adults with limited English proficiency;

''(III) integrated basic and workplace skills education programs;

''(IV) coordinated literacy and employment services; and

''(V) postsecondary education transition programs;

''(E) providing for the conduct of an independent evaluation and assessment of adult education and literacy activities through studies and analyses conducted independently through grants and contracts awarded on a competitive basis, which evaluation and assessment shall include descriptions of—

''(i) the effect of performance measures and other measures of accountability on the delivery of adult education and literacy activities, including family literacy services;

''(ii) the extent to which the adult education and literacy activities, including family literacy services, increase the literacy skills of adults (and of children, in the case of family literacy services), lead the participants in such activities to involvement in further education and training, enhance the employment and earnings of such participants, and, if applicable, lead to other positive outcomes, such as reductions in recidivism in the case of prison-based adult education and literacy activities;

''(iii) the extent to which the provision of support services to adults enrolled in adult education and family literacy programs increase the rate of enrollment in, and successful completion of, such programs; and

''(iv) the extent to which different types of providers measurably improve the skills of participants in adult education and literacy programs;

''(F) supporting efforts aimed at capacity building of programs at the State and local

levels such as technical assistance in program planning, assessment, evaluation, and monitoring of activities carried out under this subtitle;

''(G) collecting data, such as data regarding the improvement of both local and State data systems, through technical assistance and development of model performance data collection systems;

''(H) supporting the development of an entity that would produce and distribute technology-based programs and materials for adult education and literacy programs using an interconnection system (as defined in section 397 of the Communications Act of 1934 (47 U.S.C. 397)) and expand the effective outreach and use of such programs and materials to adult education eligible providers;

''(I) determining how participation in adult education and literacy activities prepares individuals for entry into postsecondary education and employment and, in the case of prison-based services, has an effect on recidivism; and

''(J) other activities designed to enhance the quality of adult education and literacy activities nationwide.''.

SEC. 217. INTEGRATED ENGLISH LITERACY AND CIVICS EDUCATION.

Chapter 4 of subtitle A of title II (29 U.S.C. 9251 et seq.) is amended by adding at the end the following:

''SEC. 244. INTEGRATED ENGLISH LITERACY AND CIVICS EDUCATION.

''(a) IN GENERAL.—From funds made available under section 211(a)(4) for each fiscal year the Secretary shall award grants to States, from allotments under subsection (b), for integrated English literacy and civics education.

''(b) ALLOTMENT.—

''(1) IN GENERAL.—Subject to paragraph (2), from amounts made available under section 211(a)(4) for a fiscal year the Secretary shall allocate—

''(A) 65 percent to the States on the basis of a State's need for integrated English literacy and civics education as determined by calculating each State's share of a 10-year average of the Immigration and Naturalization Service data for immigrants admitted for legal permanent residence for the 10 most recent years; and

''(B) 35 percent to the States on the basis of whether the State experienced growth as measured by the average of the 3 most recent years for which Immigration and Naturalization Service data for immigrants admitted for legal permanent residence are available.

''(2) MINIMUM.—No State shall receive an allotment under paragraph (1) in an amount that is less than $60,000.''.

SEC. 218. TRANSITION.

The Secretary shall take such steps as the Secretary determines to be appropriate to provide for the orderly transition to the authority of the Adult Education and Family Literacy Act (as amended by this title) from any authority under provisions of the Adult Education and Family Literacy Act (as such Act was in effect on the day before the date of enactment of the Adult Education and Family Literacy Act Amendments of 2003).

TITLE III—AMENDMENTS TO OTHER PROVISIONS OF LAW

SEC. 301. WAGNER-PEYSER ACT.

(a) CONFORMING AMENDMENT.—Section 2(3) of the Wagner-Peyser Act (29 U.S.C. 49a(3)) is amended by striking ''section 134(c)'' and inserting ''section 121(e)''.

(b) COLOCATION.—Section 3 of the Wagner-Peyser Act (29 U.S.C. 49b) is amended by adding at the end the following:

''(d) In order to avoid duplication of services and enhance integration of services, employment services offices in each State shall be colocated with comprehensive one-stop centers established under title I of the Workforce Investment Act of 1998.''.

(c) COOPERATIVE STATISTICAL PROGRAM.—Section 14 of the Wagner-Peyser Act (29 U.S.C. 491–1) is amended by striking the section heading and all that follows through ''There'' and inserting the following:

''SEC. 14. COOPERATIVE STATISTICAL PROGRAM.

''There''.

(d) WORKFORCE AND LABOR MARKET INFORMATION SYSTEM.—Section 15 of the Wagner-Peyser Act (29 U.S.C. 491–2) is amended—

(1) by striking the section heading and inserting the following:

''SEC. 15. WORKFORCE AND LABOR MARKET INFORMATION SYSTEM.'';

(2) by striking ''employment statistics system'' each place it appears and inserting ''workforce and labor market information system'';

(3) in subsection (a)(1), by striking ''of employment statistics'';

(4) in subsection (b)(2)(E)—

(A) in clause (i), by adding ''and'' at the end;

(B) in clause (ii), by striking ''; and'' and inserting a period; and

(C) by striking clause (iii);

(5) by striking subsections (c) and (d) and inserting the following:

''(c) NATIONAL ELECTRONIC TOOLS TO PROVIDE SERVICES.—The Secretary, in consultation with States, is authorized to assist in the development of national electronic tools that may be used to improve access to workforce information for individuals through—

''(1) the one-stop delivery systems established under section 121(e); and

''(2) such other delivery systems as the Secretary determines to be appropriate.

''(d) TWO-YEAR PLAN.—The Secretary, working through the Bureau of Labor Statistics, and in cooperation with the States and with the assistance of the Employment and Training Administration and other appropriate Federal agencies, shall prepare a 2-year plan which shall be the mechanism for achieving cooperative management of the nationwide workforce and labor market information system described in subsection (a) and the statewide workforce and labor market information systems that comprise the nationwide system. The plan shall—

''(1) describe the steps the to be taken in the following 2 years to carry out the duties described in subsection (b)(2);

''(2) evaluate the performance of the system and recommend needed improvements, with particular attention to the improvements needed at the State and local levels; and

''(3) describe the involvement of States in the development of the plan, pursuant to a process established by the Secretary in cooperation with the States in accordance with subsection (d).

''(e) COORDINATION WITH THE STATES.—The Secretary, working though the Bureau of Labor Statistics and in coordination with the Employment and Training Administration, shall consult at least annually with representatives of each of the 10 Federal regions of the Department of Labor, elected (pursuant to a process established by the Secretary) by and from the State workforce and labor market information directors affiliated with the State agencies that perform the duties described in subsection (e)(2).'';

(6) in subsection (e)(2)—

(A) in subparagraph (G), by adding ''and'' at the end;

(B) by striking subparagraph (H); and

(C) by redesignating subparagraph (I) as subparagraph (H); and

(7) in subsection (g), by striking ''1999 through 2004'' and inserting ''2004 through 2009 to enable the Secretary to carry out the provisions of this section through grants or cooperative agreements with the States''.

TITLE IV—REHABILITATION ACT AMENDMENTS

SEC. 401. SHORT TITLE.

This title may be cited as the ''Rehabilitation Act Amendments of 2003''.

SEC. 402. TECHNICAL AMENDMENTS TO TABLE OF CONTENTS.

(a) INCENTIVE GRANTS.—Section 1(b) of the Rehabilitation Act of 1973 (29 U.S.C. 701 note) is amended by inserting after the item relating to section 112 the following:

''Sec. 113. Incentive grants.''.

(b) INDEPENDENT LIVING SERVICES FOR OLDER INDIVIDUALS WHO ARE BLIND.—Section 1(b) of the Rehabilitation Act of 1973 (29 U.S.C. 701 note) is amended by striking the items relating to sections 752 and 753 and inserting the following:

''Sec. 752. Training and technical assistance.

''Sec. 753. Program of grants.

''Sec. 754. Authorization of appropriations.''.

SEC. 403. PURPOSE.

Section 2(b) of the Rehabilitation Act of 1973 (29 U.S.C. 701(b)) is amended—

(1) in paragraph (1)(F), by striking ''and'' after the semicolon;

(2) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(3) to provide opportunities for employers and rehabilitation service providers to provide meaningful input at all levels of government to ensure successful employment of individuals with disabilities.''.

SEC. 404. DEFINITIONS.

Section 7 of the Rehabilitation Act of 1973 (29 U.S.C. 705) is amended—

(1) in paragraph (2)(B)—

(A) in the matter preceding clause (i), by inserting ''and literacy services'' after ''supported employment''; and

(B) in clause (iii), by inserting ''and literacy skills'' after ''educational achievements'';

(2) in paragraph (17)—

(A) in subparagraph (C), by striking ''and'' after the semicolon;

(B) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(E) maintaining individuals with disabilities in, or transitioning individuals with disabilities to, community-based living.'';

(3) by redesignating paragraphs (24) through (28), (29) through (34), and (35) through (39), as paragraphs (25) through (29), (31) through (36), and (38) through (42), respectively;

(4) by inserting after paragraph (23) the following:

''(24) LITERACY.—The term 'literacy' has the meaning given the term in section 203 of the Adult Education and Family Literacy Act (20 U.S.C. 9202).'';

(5) by inserting after paragraph (29), as redesignated by paragraph (3), the following:

''(30) POST-EMPLOYMENT SERVICE.—The term 'post-employment' service means a service identified in section 103(a) that is—

''(A) provided subsequent to the achievement of an employment outcome; and

''(B) necessary for an individual to maintain, regain, or advance in employment, consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.'';

(6) by inserting after paragraph (36), as redesignated by paragraph (3), the following:

''(37) STUDENT WITH A DISABILITY.—

''(A) IN GENERAL.—The term 'student with a disability' means an individual with a disability who attends an elementary school or secondary school and who—

''(i) is not younger than 14 years of age;

''(ii) is not older than 21 years of age;

''(iii) has been determined to be eligible under section 102(a) for assistance under title I; and

''(iv)(I) is eligible for, and receiving, special education and related services under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.); or

''(II) is an individual with a disability, for purposes of section 504.

''(B) STUDENTS WITH DISABILITIES.—The term 'students with disabilities' means more than 1 student with a disability.''; and

(7) in paragraph (38)(A)(ii), as redesignated by paragraph (3), by striking ''paragraph (36)(C)'' and inserting ''paragraph (39)(C)''.

SEC. 405. ADMINISTRATION OF THE ACT.

Section 12(a)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 709(a)(1)) is amended—

(1) by inserting ''(A)'' after ''(1)'';

(2) by striking the semicolon and inserting ''; and''; and

(3) by adding at the end the following:

''(B) provide technical assistance to the designated State units on developing successful partnerships with employers;''.

SEC. 406. CARRYOVER.

Section 19 of the Rehabilitation Act of 1973 (29 U.S.C. 716) is amended—

(1) in subsection (a)(1)—

(A) by striking '', section 509 (except as provided in section 509(b))'';

(B) by striking ''or (C)''; and

(C) by striking ''752(b)'' and inserting ''753(b)''; and

(2) by adding at the end the following:

''(c) PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS.—

''(1) APPROPRIATED AMOUNTS.—Notwithstanding any other provision of law, any funds appropriated for a fiscal year to carry out a grant program under section 509 (except as provided in section 509(b)), including any funds reallotted under such grant program, that are not obligated and expended by recipients prior to the beginning of the succeeding fiscal year shall remain available for obligation and expenditure by such recipients during such succeeding fiscal year.

''(2) PROGRAM INCOME.—Notwithstanding any other provision of law, any amounts of program income received by recipients under a grant program under section 509 that are not obligated and expended by recipients prior to the beginning of the fiscal year succeeding the fiscal year in which such amounts were received, shall remain available for obligation and expenditure by such recipients during any of the 4 succeeding fiscal years.''.

Subtitle A—Vocational Rehabilitation Services

SEC. 411. DECLARATION OF POLICY; AUTHORIZATION OF APPROPRIATIONS.

Section 100(b)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 720(b)(1)) is amended by striking ''fiscal years 1999 through 2003'' and inserting ''fiscal years 2004 through 2009''.

SEC. 412. STATE PLANS.

Section 101(a) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)) is amended—

(1) in paragraph (6)(B), by striking ''to employ and advance in employment'' and inserting ''to recruit, employ, and advance in employment'';

(2) in paragraph (8)(A), by adding at the end the following:

''(iii) SERVICES IDENTIFIED IN INDIVIDUALIZED WORK PLAN.—For purposes of clause (i), for an individual who receives assistance under the Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act (42 U.S.C. 1320b–19), comparable benefits and services available under such program only include those benefits and services identified in the individual's individualized work plan developed by an employment network pursuant to such section.'';

(3) in paragraph (11)—

(A) by striking subparagraph (D)(ii) and inserting the following:

''(ii) transition planning by personnel of the designated State agency and the State educational agency that will facilitate the development and completion of the individualized education programs under section 614(d) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)) and, as appropriate, the development and completion of the individualized plan for employment, in order to achieve post-school employment outcomes of students with disabilities;''; and

(B) by adding at the end the following:

''(G) COORDINATION WITH TICKET TO WORK AND SELF-SUFFICIENCY PROGRAM.—The State plan shall provide that the designated State unit will coordinate activities with any other State agency that administers a Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act (42 U.S.C. 1320b–19).''; and

(4) in paragraph (20)—

(A) by redesignating subparagraph (B) as subparagraph (D);

(B) by inserting after subparagraph (A) the following:

''(B) INFORMATION ON ASSISTANCE FOR BENEFICIARIES OF ASSISTANCE UNDER TITLE II OR XVI OF THE SOCIAL SECURITY ACT.—The State plan shall include an assurance that the designated State agency will make available to individuals entitled to benefits under title II or XVI of the Social Security Act (42 U.S.C. 401 et seq., 1381 et seq.) on the basis of a disability or blindness, information on the availability of—

''(i) medical assistance under the State medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

''(ii) benefits under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

''(iii) assistance through benefits planning and assistance programs under section 1149 of the Social Security Act (42 U.S.C. 1320b–20) and protection and advocacy programs under section 1150 of the Social Security Act (42 U.S.C. 1320b–21); and

''(iv) medical assistance under other federally-funded programs.

''(C) INFORMATION FOR INDIVIDUALS UNDER THE TICKET TO WORK PROGRAM.—The State plan shall include an assurance that the designated State agency will make available to individuals entitled to benefits under title II or XVI of the Social Security Act (42 U.S.C. 401 et seq., 1381 et seq.) on the basis of a disability or blindness and eligible for assistance under the Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act (42 U.S.C. 1320b–19), general information regarding the Ticket to Work and Self-Sufficiency Program and specific information on how to contact the program manager of the Ticket to Work and Self-Sufficiency Program to obtain information on approved employment networks.''; and

(C) in subparagraph (D)(ii), as redesignated by subparagraph (A)—

(i) in subclause (II), by inserting '', to the maximum extent possible,'' after ''point of contact''; and

(ii) in subclause (III), by striking ''or regain'' and inserting ''regain, or advance in''.

SEC. 413. ELIGIBILITY AND INDIVIDUALIZED PLAN FOR EMPLOYMENT.

Section 102 of the Rehabilitation Act of 1973 (29 U.S.C. 722) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking the semicolon at the end and inserting '', including a listing of all the community resources (including resources from organizations of individuals with disabilities), to the maximum extent possible, to assist in the development of such individual's individualized plan for employment to enable the individual to make informed and effective choices in developing the individualized plan for employment;''; and

(ii) in subparagraph (D)—

(I) in clause (i), by striking ''and'' after the semicolon;

(II) in clause (ii), by striking the period at the end and inserting a semicolon; and

(III) by adding at the end the following:

''(iii) for individuals entitled to benefits under title II or XVI of the Social Security Act (42 U.S.C. 401 et seq., 1381 et seq.) on the basis of a disability or blindness, information on the availability of—

''(I) medical assistance under the State medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

''(II) benefits under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

''(III) assistance through benefits planning and assistance programs under section 1149 of the Social Security Act (42 U.S.C. 1320b–20) and protection and advocacy programs under section 1150 of the Social Security Act (42 U.S.C. 1320b–21); and

''(IV) medical assistance under other federally-funded programs; and

''(iv) for individuals entitled to benefits under title II or XVI of the Social Security Act (42 U.S.C. 401 et seq., 1381 et seq.) on the basis of a disability or blindness and eligible for assistance under the Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act (42 U.S.C. 1320b–19), information—

''(I) on the options under the Ticket to Work and Self-Sufficiency Program; and

''(II) on how to contact the program manager of the Ticket to Work and Self-Sufficiency Program who has contact information on approved employment networks, the benefits planning and assistance programs in the area, and the protection and advocacy programs in the area.'';

(B) in paragraph (2)(E)—

(i) in clause (i)(II), by striking ''and'' after the semicolon;

(ii) in clause (ii), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(iii) amended, as necessary, to include the post-employment services and service providers that are necessary for the individual to maintain, regain, or advance in employment, consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.''; and

(C) in paragraph (3)—

(i) in subparagraph (B)(i)(I), by striking ''and personal assistance services'' and inserting ''mentoring services, and personal assistance services'';

(ii) in subparagraph (F)(ii), by striking ''and'' after the semicolon;

(iii) in subparagraph (G), by striking the period at the end and inserting a semicolon; and

(iv) by adding at the end the following:

''(H) for a student with a disability, the description—

''(i) in paragraph (3)(A), may be a description of the student's projected post-school employment outcome; and

''(ii) in paragraph (3)(B), shall include the specific transition services (including, as appropriate, work experience and mentoring activities) needed to achieve the student's

employment outcome or projected employment outcome; and

''(I) for an individual who is receiving assistance under the Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act (42 U.S.C. 1320b–19), a list of services such individual receives from an employment network other than the designated State unit.''; and

(2) in subsection (c)(7), by inserting ''that take into consideration the informed choice of the individual,'' after ''plan development,''.

SEC. 414. VOCATIONAL REHABILITATION SERVICES.

Section 103(a) of the Rehabilitation Act of 1973 (29 U.S.C. 723(a)) is amended—

(1) in paragraph (5), by inserting ''literacy services,'' after ''vocational adjustment services,'';

(2) in paragraph (17), by striking ''and'' after the semicolon;

(3) in paragraph (18), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(19) mentoring services.''.

SEC. 415. STATE REHABILITATION COUNCIL.

Section 105(b)(1)(A)(ix) of the Rehabilitation Act of 1973 (29 U.S.C. 725(b)(1)(A)(ix)) is amended to read as follows:

''(ix) in a State in which 1 or more projects provide services under section 121, not less than 1 representative of the directors of the projects;''.

SEC. 416. EVALUATION STANDARDS AND PERFORMANCE INDICATORS.

Section 106(b)(2)(B)(i) of the Rehabilitation Act of 1973 (29 U.S.C. 726(b)(2)(B)(i)) is amended by striking '', if necessary'' and all that follows through the semicolon and inserting ''if the State has not improved its performance to acceptable levels, as determined by the Commissioner, direct the State to make further revisions to the plan to improve performance, which may include allocating a higher proportion of the State's resources for services to individuals with disabilities if the State's spending on such services is low in comparison to spending on such services in comparable agencies in other States;''.

SEC. 417. STATE ALLOTMENTS.

Section 110 of the Rehabilitation Act of 1973 (29 U.S.C. 730) is amended—

(1) by striking subsection (b) and inserting the following:

''(b) REALLOTMENT.—

''(1) DETERMINATION.—Not later than 45 days prior to the end of the fiscal year, the Commissioner shall determine, after reasonable opportunity for the submission to the Commissioner of comments by the State agency administering or supervising the program established under this title, that any payment of an allotment to a State under section 111(a) for any fiscal year will not be utilized by such State in carrying out the purposes of this title.

''(2) FORMULA.—

''(A) IN GENERAL.—As soon as practicable but not later than the end of the fiscal year, the Commissioner shall reallot the amount available under paragraph (1) to other States, consistent with subparagraphs (B) and (C), for carrying out the purposes of this title to the extent the Commissioner determines such other State will be able to use such additional amount during that fiscal year or the subsequent fiscal year for carrying out such purposes.

''(B) FORMULA.—

''(i) ELIGIBLE STATES.—The Commissioner shall reallot the amount available under paragraph (1) for a fiscal year to each State whose allotment under subsection (a) for such fiscal year is less than such State's allotment under subsection (a) for the immediately preceding fiscal year increased by the percentage change in the funds available for subsection (a) from the immediately preceding fiscal year.

''(ii) AMOUNT.—

''(I) IN GENERAL.—A State that is eligible to receive a reallotment under clause (i) shall receive an amount for a fiscal year from the amount available for reallotment under paragraph (1) that is equal to the difference between—

''(aa) the amount such State received for such fiscal year; and

''(bb) the amount such State was allotted under subsection (a) for the immediately preceding fiscal year adjusted by the percentage change in the funds available for subsection (a) from the immediately preceding fiscal year.

''(II) INSUFFICIENT FUNDS.—If the amount available for reallotment under paragraph (1) is insufficient to provide each State eligible to receive a reallotment with the amount described in subclause (I), the amount reallotted to each eligible State shall be determined by the Commissioner.

''(C) REMAINING FUNDS.—If there are funds remaining after each State eligible to receive a reallotment under subparagraph (B)(i) receives the amount described in subparagraph (B)(ii), the Commissioner shall reallot the remaining funds among the States requesting a reallotment.

''(3) NON-FEDERAL SHARE.—The Commissioner shall reallot an amount to a State under this subsection only if the State will be able to make sufficient payments from non-Federal sources to pay for the non-Federal share of the cost of vocational rehabilitation services under the State plan for the fiscal year for which the amount was appropriated.

''(4) INCREASE IN ALLOTMENT.—For the purposes of this part, any amount made available to a State for any fiscal year pursuant to this subsection shall be regarded as an increase of such State's allotment (as determined under the preceding provisions of this section) for such year.''; and

(2) by striking subsection (c)(2) and inserting the following:

''(2)(A) In this paragraph:

''(i) The term 'appropriated amount' means the amount appropriated under section 100(b)(1) for allotment under this section.

''(ii) The term 'covered year' means a fiscal year—

''(I) that begins after September 30, 2003; and

''(II) for which the appropriated amount exceeds the total of—

''(aa) the appropriated amount for the preceding fiscal year; and

''(bb) 0.1 percent of the appropriated amount for the preceding fiscal year.

''(B) For each covered year, the sum referred to in paragraph (1) shall be, as determined by the Secretary, the lesser of—

''(i) the total of the sum reserved under this subsection for the preceding fiscal year and 0.1 percent of the appropriated amount for the covered year; and

''(ii) 1.5 percent of the appropriated amount for the covered year.''.

SEC. 418. CLIENT ASSISTANCE PROGRAM.

Section 112 of the Rehabilitation Act of 1973 (29 U.S.C. 732) is amended—

(1) in subsection (a), by striking ''States'' and inserting ''agencies designated under subsection (c)'';

(2) in subsection (e)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''The Secretary'' and all that follows through the period and inserting the following: ''After reserving funds under subparagraphs (E) and (F), the Secretary shall allot the remainder of the sums appropriated for each fiscal year under this section among the agencies designated under subsection (c) within the States on the basis of relative population of each State, except that no such agency shall receive less than $50,000.'';

(ii) in subparagraph (B), by inserting ''the designated agencies located in'' after ''each to'';

(iii) in subparagraph (D)(i)—

(I) by inserting ''the designated agencies located in'' after ''$100,000 for''; and

(II) by inserting ''the designated agencies located in'' after ''$45,000 for''; and

(iv) by adding at the end the following:

''(E)(i) Beginning on October 1, 2004, for any fiscal year for which the amount appropriated to carry out this section equals or exceeds $13,000,000, the Secretary shall reserve funds appropriated under this section to make grants to the protection and advocacy system serving the American Indian Consortium to provide client assistance services in accordance with this section. The amount of such grants shall be the same amount as provided to territories under subparagraph (B), as increased under clauses (i) and (ii) of subparagraph (D).

''(ii) In this subparagraph:

''(I) The term 'American Indian Consortium' has the meaning given the term in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002).

''(II) The term 'protection and advocacy system' means a protection and advocacy system established under subtitle C of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.).

''(F) For any fiscal year for which the amount appropriated to carry out this section equals or exceeds $14,000,000, the Secretary shall reserve not less than 1.8 percent and not more than 2.2 percent of such amount to provide training and technical assistance to the programs established under this section. Such training and technical assistance shall be coordinated with funds available under section 509(c)(1)(A).'';

(B) in paragraph (2)—

(i) by striking ''State'' each place such term appears and inserting ''designated agency''; and

(ii) by striking ''States'' each place such term appears and inserting ''designated agencies''; and

(C) in paragraph (3), by striking ''Except as specifically prohibited by or as otherwise provided in State law, the Secretary shall pay'' and inserting ''The Secretary shall pay directly'';

(3) in subsection (f), by striking ''State'' and inserting ''agency designated under subsection (c)''; and

(4) in subsection (h), by striking ''fiscal years 1999 through 2003'' and inserting ''fiscal years 2004 through 2009''.

SEC. 419. INCENTIVE GRANTS.

Part B of title I of the Rehabilitation Act of 1973 (29 U.S.C. 730 et seq.) is amended by adding at the end the following:

''SEC. 113. INCENTIVE GRANTS.

''(a) AUTHORITY.—The Commissioner is authorized to make incentive grants to States that, based on the criteria established under subsection (b)(1), demonstrate—

''(1) a high level of performance; or

''(2) a significantly improved level of performance as compared to the previous reporting period or periods.

''(b) CRITERIA.—

''(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this section, the Commissioner shall establish, and publish in the Federal Register, criteria for making grant awards under subsection (a).

''(2) DEVELOPMENT AND EVALUATION STANDARDS.—The criteria under paragraph (1) shall—

''(A) be developed with input from State vocational rehabilitation agencies and other vocational rehabilitation stakeholders, including vocational rehabilitation consumers and consumer organizations; and

''(B) be based upon the evaluation standards and performance indicators established under section 106 and other performance related measures that the Commissioner determines to be appropriate.

''(c) USE OF FUNDS.—A State that receives a grant under subsection (a) shall use the grant funds for any approved activities in the State's State plan submitted under section 101.

''(d) NO NON-FEDERAL SHARE REQUIREMENT.—The provisions of sections 101(a)(3) and 111(a)(2) shall not apply to this section.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2004 through 2009.''.

SEC. 420. VOCATIONAL REHABILITATION SERVICES GRANTS.

Section 121 of the Rehabilitation Act of 1973 (29 U.S.C. 741) is amended—

(1) in subsection (a), in the first sentence, by inserting '', consistent with such individuals' strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, so that such individuals may prepare for, and engage in, gainful employment'' before the period at the end; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking ''and'' after the semicolon;

(ii) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(D) contains assurances that—

''(i) all decisions affecting eligibility for vocational rehabilitation services, the nature and scope of available services, and the provision of such services, will be made by a representative of the tribal vocational rehabilitation program; and

''(ii) such decisions will not be delegated to another agency or individual.'';

(B) in paragraph (3), by striking the first sentence and inserting the following: ''An application approved under this part that complies with the program requirements set forth in the regulations promulgated to carry out this part shall be effective for 5 years and shall be renewed for additional 5-year periods if the Commissioner determines that the grantee demonstrated acceptable past performance and the grantee submits a plan, including a proposed budget, to the Commissioner that the Commissioner approves that identifies future performance criteria, goals, and objectives.''; and

(C) by striking paragraph (4) and inserting the following:

''(4) In allocating funds under this part, the Secretary shall give priority to paying the continuation costs of existing projects and may provide for increases in funding for such projects as determined necessary.''.

SEC. 421. GAO STUDIES.

(a) STUDY ON TITLE I AND TICKET TO WORK.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study on the interaction of title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.) with the Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act (42 U.S.C. 1320b–19), including the impact of the interaction on beneficiaries, community rehabilitation programs, and State vocational rehabilitation agencies.

(2) CONDUCT OF STUDY.—In conducting the study under paragraph (1), the Comptroller General of the United States shall consult with all participants in the Ticket to Work and Self-Sufficiency Program, including the Social Security Administration, the Rehabilitation Services Administration, ticketholders, State agencies, community rehabilitation programs (including employment networks and nonemployment networks), protection and advocacy agencies, MAXIMUS, and organizations representing the interests of ticketholders.

(3) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this title, the Comptroller General of the United States shall submit the study conducted pursuant to this subsection to the appropriate committees of Congress.

(b) STUDY ON THE ALLOTMENT FORMULA.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study on the relationship between the State allotment formula under section 110 of the Rehabilitation Act of 1973 (29 U.S.C. 730) and the ability of States to provide vocational rehabilitation services in accordance with the State's State plan under section 101 of such Act.

(2) CONDUCT OF STUDY.—In conducting the study under paragraph (1), the Comptroller General of the United States shall consult with appropriate entities.

(3) REPORT TO CONGRESS.—Not later than 12 months after the date of enactment of this title, the Comptroller General of the United States shall submit the study conducted pursuant to this subsection to the appropriate committees of Congress.

Subtitle B—Research and Training

SEC. 431. AUTHORIZATION OF APPROPRIATIONS.

Section 201(a) of the Rehabilitation Act of 1973 (29 U.S.C. 761(a)) is amended—

(1) in paragraph (1), by striking ''fiscal years 1999 through 2003'' and inserting ''fiscal years 2004 through 2009''; and

(2) in paragraph (2), by striking ''fiscal years 1999 through 2003'' and inserting ''fiscal years 2004 through 2009''.

SEC. 432. NATIONAL INSTITUTE ON DISABILITY AND REHABILITATION RESEARCH.

Section 202(f)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 762(f)(1)) is amended by striking ''Federal employees'' and inserting ''Department of Education employees''.

SEC. 433. RESEARCH AND OTHER COVERED ACTIVITIES.

Section 204(c)(2) of the Rehabilitation Act of 1973 (29 U.S.C. 764(c)(2)) is amended by striking ''$500,000'' and inserting ''$750,000''.

SEC. 434. REHABILITATION RESEARCH ADVISORY COUNCIL.

Section 205(c) of the Rehabilitation Act of 1973 (29 U.S.C. 765(c)) is amended by adding at the end the following: ''The Council also shall include a representative from the business community who has experience with the vocational rehabilitation system and hiring individuals with disabilities.''.

Subtitle C—Professional Development and Special Projects and Demonstrations

SEC. 441. TRAINING.

Section 302 of the Rehabilitation Act of 1973 (29 U.S.C. 772) is amended—

(1) in subsection (b)(1)(B)(i), by striking ''or prosthetics and orthotics'' and inserting ''prosthetics and orthotics, rehabilitation for the blind, or orientation and mobility instruction''; and

(2) in subsection (i), by striking ''fiscal years 1999 through 2003'' and inserting ''fiscal years 2004 through 2009''.

SEC. 442. DEMONSTRATION AND TRAINING PROGRAMS.

Section 303 of the Rehabilitation Act of 1973 (29 U.S.C. 773) is amended—

(1) by redesignating subsection (e) as subsection (f);

(2) in subsection (f), as redesignated by paragraph (1), by striking ''fiscal years 1999 through 2003'' and inserting ''fiscal years 2004 through 2009''; and

(3) by inserting after subsection (d) the following:

''(e) ACCESS TO TELEWORK.—

''(1) DEFINITION OF TELEWORK.—In this subsection, the term 'telework' means to work from home and other telework sites with the assistance of a computer and with reasonable accommodations, including the necessary equipment to facilitate successful work from home and other telework sites.

''(2) AUTHORIZATION OF PROGRAM.—The Commissioner is authorized to make grants to States and governing bodies of American Indian tribes located on Federal and State reservations (and consortia of such governing bodies) to pay for the Federal share of the cost of establishing or expanding a telework program.

''(3) APPLICATION.—A State that desires to receive a grant under this subsection shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require.

''(4) USE OF FUNDS.—A State that receives a grant under this subsection shall establish or expand a telework program that shall provide loans or other alternative financing mechanisms to individuals with disabilities to enable such individuals to purchase computers or other equipment, including adaptive equipment, that facilitates work from home and other telework sites so that such individuals are able to telework.

''(5) ANNUAL REPORT.—

''(A) IN GENERAL.—A State that receives a grant under this subsection shall submit an annual report to the Commissioner.

''(B) CONTENTS.—The report under subparagraph (A) shall include the following:

''(i) The characteristics of each individual with a disability that receives a loan or other alternative financing mechanism under the program, including information about the individual such as the following:

''(I) Age.

''(II) Ethnicity.

''(III) Type of disability.

''(IV) Employment status at the time of application for a loan or other alternative financing mechanism under this subsection.

''(V) Whether the individual attempted to secure financial support from other sources to enable the individual to telework and, if so, a description of such sources.

''(VI) Whether the individual is working and, if so, whether the individual teleworks, the occupation in which the individual is working, the hourly salary the individual receives, and the hourly salary of the individual prior to receiving a loan or other alternative financing mechanism under the program.

''(VII) Whether the individual has repaid the loan or other alternative financing mechanism received under the program, is in repayment status, is delinquent on repayments, or has defaulted on the loan or other alternative financing mechanism.

''(ii) Any other information that the Commissioner may require.

''(6) FEDERAL SHARE.—The Federal share of the cost of establishing a telework program shall be 10 percent of the cost.''.

SEC. 443. MIGRANT AND SEASONAL FARMWORKERS.

Section 304(b) of the Rehabilitation Act of 1973 (29 U.S.C. 774(b)) is amended by striking ''fiscal years 1999 through 2003'' and inserting ''fiscal years 2004 through 2009''.

SEC. 444. RECREATIONAL PROGRAMS.

Section 305 of the Rehabilitation Act of 1973 (29 U.S.C. 775) is amended—

(1) in subsection (a)(1)(B), by striking ''construction of facilities for aquatic rehabilitation therapy,''; and

(2) in subsection (b), by striking ''fiscal years 1999 through 2003'' and inserting ''fiscal years 2004 through 2009''.

Subtitle D—National Council on Disability

SEC. 451. AUTHORIZATION OF APPROPRIATIONS.

Section 405 of the Rehabilitation Act of 1973 (29 U.S.C. 785) is amended by striking ''fiscal years 1999 through 2003'' and inserting ''fiscal years 2004 through 2009''.

Subtitle E—Rights and Advocacy

SEC. 461. ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD.

Section 502(j) of the Rehabilitation Act of 1973 (29 U.S.C. 792(j)) is amended by striking ''fiscal years 1999 through 2003'' and inserting ''fiscal years 2004 through 2009''.

SEC. 462. PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS.

Section 509 of the Rehabilitation Act of 1973 (29 U.S.C. 794e) is amended—

(1) in subsection (g)(2), by striking ''was paid'' and inserting ''was paid, except that program income generated from the amount paid to an eligible system shall remain available to such system for obligation during any succeeding fiscal year''; and

(2) in subsection (*l*), by striking ''fiscal years 1999 through 2003'' and inserting ''fiscal years 2004 through 2009''.

Subtitle F—Employment Opportunities for Individuals With Disabilities

SEC. 471. PROJECTS WITH INDUSTRY AUTHORIZATION OF APPROPRIATIONS.

Section 612 of the Rehabilitation Act of 1973 (29 U.S.C. 795a) is amended by striking ''fiscal years 1999 through 2003'' and inserting ''fiscal years 2004 through 2009''.

SEC. 472. SERVICES FOR INDIVIDUALS WITH SIGNIFICANT DISABILITIES AUTHORIZATION OF APPROPRIATIONS.

Section 628 of the Rehabilitation Act of 1973 (29 U.S.C. 795n) is amended by striking ''fiscal years 1999 through 2003'' and inserting ''fiscal years 2004 through 2009''.

Subtitle G—Independent Living Services and Centers for Independent Living

SEC. 481. STATE PLAN.

Section 704 of the Rehabilitation Act of 1973 (42 U.S.C. 795c) is amended by adding at the end the following:

''(o) PROMOTING FULL ACCESS TO COMMUNITY LIFE.—The plan shall describe how the State will provide independent living services that promote full access to community life for individuals with significant disabilities. The services shall include, as appropriate, facilitating transitions from nursing homes and other institutions, including institutions serving individuals with cognitive disabilities, to community-based residences, assisting individuals with significant disabilities at risk of entering institutions to remain in the community, and promoting home ownership among individuals with significant disabilities.''.

SEC. 482. STATEWIDE INDEPENDENT LIVING COUNCIL.

Section 705(b)(5) of the Rehabilitation Act of 1973 (29 U.S.C. 796d(b)(5)) is amended to read as follows:

''(5) CHAIRPERSON.—The Council shall select a chairperson from among the voting membership of the Council.''.

SEC. 483. INDEPENDENT LIVING SERVICES AUTHORIZATION OF APPROPRIATIONS.

Section 714 of the Rehabilitation Act of 1973 (29 U.S.C. 796e–3) is amended by striking ''fiscal years 1999 through 2003'' and inserting ''fiscal years 2004 through 2009''.

SEC. 484. PROGRAM AUTHORIZATION.

Section 721 of the Rehabilitation Act of 1973 (42 U.S.C. 796f) is amended—

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

''(c) ALLOTMENTS TO STATES.—

''(1) DEFINITIONS.—In this subsection:

''(A) ADDITIONAL APPROPRIATION.—The term 'additional appropriation' means the amount (if any) by which the appropriation for a fiscal year exceeds the total of—

''(i) the amount reserved under subsection (b) for that fiscal year; and

''(ii) the appropriation for fiscal year 2003.

''(B) APPROPRIATION.—The term 'appropriation' means the amount appropriated to carry out this part.

''(C) BASE APPROPRIATION.—The term 'base appropriation' means the portion of the appropriation for a fiscal year that is equal to the lesser of—

''(i) an amount equal to 100 percent of the appropriation, minus the amount reserved under subsection (b) for that fiscal year; or

''(ii) the appropriation for fiscal year 2003.

''(2) ALLOTMENTS TO STATES FROM BASE APPROPRIATION.—After the reservation required by subsection (b) has been made, the Commissioner shall allot to each State whose State plan has been approved under section 706 an amount that bears the same ratio to the base appropriation as the amount the State received under this subsection for fiscal year 2003 bears to the total amount that all States received under this subsection for fiscal year 2003.

''(3) ALLOTMENTS TO STATES OF ADDITIONAL APPROPRIATION.—From any additional appropriation for each fiscal year, the Commissioner shall allot to each State whose State plan has been approved under section 706 an amount equal to the sum of—

''(A) an amount that bears the same ratio to 50 percent of the additional appropriation as the population of the State bears to the population of all States; and

''(B) 1/56 of 50 percent of the additional appropriation.''; and

(2) by adding at the end the following:

''(e) CARRYOVER AUTHORITY.—Any amount paid to an agency to operate a center for independent living under this chapter for a fiscal year and any amount of program income that remains unobligated at the end of such year shall remain available to such agency for obligation during the next 2 fiscal years for the purposes for which such amount was paid.''.

SEC. 485. GRANTS TO CENTERS FOR INDEPENDENT LIVING IN STATES IN WHICH FEDERAL FUNDING EXCEEDS STATE FUNDING.

Section 722(c) of the Rehabilitation Act of 1973 (29 U.S.C. 796f–1(c)) is amended by striking ''by September 30, 1997'' and inserting ''during the preceding year''.

SEC. 486. GRANTS TO CENTERS FOR INDEPENDENT LIVING IN STATES IN WHICH STATE FUNDING EQUALS OR EXCEEDS FEDERAL FUNDING.

Section 723(c) of the Rehabilitation Act of 1973 (29 U.S.C. 796f–2(c)) is amended by striking ''by September 30, 1997'' and inserting ''during the preceding year''.

SEC. 487. STANDARDS AND ASSURANCES FOR CENTERS FOR INDEPENDENT LIVING.

Section 725(b) of the Rehabilitation Act of 1973 (29 U.S.C. 796f–4(b)) is amended—

(1) in paragraph (4), by striking ''disabilities.'' and inserting ''disabilities, including maintaining individuals with disabilities in, or transitioning individuals with disabilities to, community-based living.''; and

(2) by adding at the end the following:

''(8) PROMOTING FULL ACCESS TO COMMUNITY LIFE.—The center shall provide independent living services that promote full access to community life for individuals with significant disabilities. The services shall include, as appropriate, facilitating transitions from nursing homes and other institutions, including institutions serving individuals with cognitive disabilities, to community-based residences, assisting individuals with significant disabilities at risk of entering institutions to remain in the community, and promoting home ownership among individuals with significant disabilities.''.

SEC. 488. CENTERS FOR INDEPENDENT LIVING AUTHORIZATION OF APPROPRIATIONS.

Section 727 of the Rehabilitation Act of 1973 (29 U.S.C. 796f–6) is amended by striking ''fiscal years 1999 through 2003'' and inserting ''fiscal years 2004 through 2009''.

SEC. 489. INDEPENDENT LIVING SERVICES FOR OLDER INDIVIDUALS WHO ARE BLIND.

Chapter 2 of title VII of the Rehabilitation Act of 1973 (29 U.S.C. 796j et seq.) is amended—

(1) by redesignating sections 752 and 753 as sections 753 and 754, respectively; and

(2) by inserting after section 751 the following:

''SEC. 752. TRAINING AND TECHNICAL ASSISTANCE.

''(a) GRANTS; CONTRACTS; OTHER ARRANGEMENTS.—For any fiscal year for which the funds appropriated to carry out this chapter exceed the funds appropriated to carry out this chapter for fiscal year 2003, the Commissioner shall first reserve from such excess, to provide training and technical assistance to eligible entities for such fiscal year, not less than 1.8 percent, and not more than 2 percent, of the funds appropriated to carry out this chapter for the fiscal year involved.

''(b) ALLOCATION.—From the funds reserved under subsection (a), the Commissioner shall make grants to, and enter into contracts and other arrangements with, entities that demonstrate expertise in the provision of services to older individuals who are blind to provide training and technical assistance with respect to planning, developing, conducting, administering, and evaluating independent living programs for older individuals who are blind.

''(c) FUNDING PRIORITIES.—The Commissioner shall conduct a survey of designated State agencies that receive grants under section 753 regarding training and technical assistance needs in order to determine funding priorities for grants, contracts, and other arrangements under this section.

''(d) REVIEW.—To be eligible to receive a grant or enter into a contract or other arrangement under this section, an eligible entity shall submit an application to the Commissioner at such time, in such manner, containing a proposal to provide such training and technical assistance, and containing such additional information as the Commissioner may require.

''(e) PROHIBITION ON COMBINED FUNDS.—No funds reserved by the Commissioner under this section may be combined with funds appropriated under any other Act or part of this Act if the purpose of combining funds is to make a single discretionary grant or a single discretionary payment, unless such funds appropriated under this chapter are separately identified in such grant or payment and are used for the purposes of this chapter.''.

SEC. 490. PROGRAM OF GRANTS.

Section 753 of the Rehabilitation Act of 1973, as redesignated by section 489, is amended—

(1) in subsection (g), by inserting '', or contracts with,'' after ''grants to'';

(2) by striking subsection (h);

(3) by redesignating subsections (i) and (j) as subsections (h) and (i), respectively;

(4) in subsection (b), by striking ''section 753'' and inserting ''section 754'';

(5) in subsection (c)—

(A) in paragraph (1), by striking ''section 753'' and inserting ''section 754''; and

(B) in paragraph (2)—

(i) by striking ''subsection (i)'' and inserting ''subsection (h)''; and

(ii) by striking ''subsection (j)'' and inserting ''subsection (i)'';

(6) in subsection (h), as redesignated by paragraph (3)—

(A) in paragraph (1), by striking ''subsection (j)(4)'' and inserting ''subsection (i)(4)''; and

(B) in paragraph (2)—

(i) in subparagraph (A)(vi), by adding ''and'' after the semicolon;

(ii) in subparagraph (B)(ii)(III), by striking ''; and'' and inserting a period; and

(iii) by striking subparagraph (C); and

(7) in subsection (i), as redesignated by paragraph (3)—

(A) by striking paragraph (2) and inserting the following:

''(2) MINIMUM ALLOTMENT.—

''(A) STATES.—In the case of the several States, the District of Columbia, and the Commonwealth of Puerto Rico, the amount referred to in paragraph (1)(A) for a fiscal year is the greater of—

''(i) $350,000;

''(ii) an amount equal to the amount the State, the District of Columbia, or the Commonwealth of Puerto Rico received to carry out this chapter for fiscal year 2003; or

''(iii) an amount equal to ⅓ of 1 percent of the amount appropriated under section 754, and not reserved under section 752, for the fiscal year and available for allotments under subsection (a).

''(B) CERTAIN TERRITORIES.—In the case of Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, the amount referred to in paragraph (1)(A) for a fiscal year is $60,000.'';

(B) in paragraph (3)(A), by striking ''section 753'' and inserting ''section 754, and not reserved under section 752,''; and

(C) in paragraph (4)(B)(i), by striking ''subsection (i)'' and inserting ''subsection (h)''.

SEC. 491. INDEPENDENT LIVING SERVICES FOR OLDER INDIVIDUALS WHO ARE BLIND AUTHORIZATION OF APPROPRIATIONS.

Section 754 of the Rehabilitation Act of 1973, as redesignated by section 489, is amended by striking ''fiscal years 1999 through 2003'' and inserting ''fiscal years 2004 through 2009''.

Subtitle H—Miscellaneous

SEC. 495. HELEN KELLER NATIONAL CENTER ACT.

(a) GENERAL AUTHORIZATION OF APPROPRIATIONS.—The first sentence of section 205(a) of the Helen Keller National Center Act (29 U.S.C. 1904(a)) is amended by striking ''1999 through 2003'' and inserting ''2004 through 2009''.

(b) HELEN KELLER NATIONAL CENTER FEDERAL ENDOWMENT FUND.—The first sentence of section 208(h) of the Helen Keller National Center Act (29 U.S.C. 1907(h)) is amended by striking ''1999 through 2003'' and inserting ''2004 through 2009''.

TITLE V—TRANSITION AND EFFECTIVE DATE

SEC. 501. TRANSITION PROVISIONS.

The Secretary of Labor shall, at the discretion of the Secretary, take such actions as the Secretary determines to be appropriate to provide for the orderly implementation of this Act.

SEC. 502. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act and the amendments made by this Act, shall take effect on the date of enactment of this Act.

By Mr. ALEXANDER (for himself, Mr. SCHUMER, Mr. BURNS, Mr. SESSIONS, Mr. GRAHAM of South Carolina, Mr. INHOFE, Mr. ROBERTS, Mr. ENZI, Mr. THOMAS, Mr. CRAIG, Mr. ALLARD, Mr. COLEMAN, Mr. COCHRAN, Mr. BUNNING, Mr. CORNYN, Mr. MCCONNELL, Mrs. HUTCHISON, Mr. BENNETT, Mr. BROWNBACK, Mr. VOINOVICH, Mr. LOTT, Mr. DOMENICI, Ms. MURKOWSKI, Mr. MCCAIN, Mr. KYL, Mr. ENSIGN, Mrs. DOLE, Mr. SANTORUM, Mr. GRASSLEY, Mr. ALLEN, and Mr. CHAMBLISS):

S. 1628. A bill to prescribe the oath of renunciation and allegiance for purposes of the Immigration and Nationality Act; to the Committee on the Judiciary.

Mr. ALEXANDER. Mr. President, today is Citizenship Day. On this day in 1787 the Constitution of the United States was signed. In 1952, Congress passed a law designating Citizenship Day on this day with the intent of recognizing those who had become American citizens during the preceding year.

In the ceremony where an immigrant becomes a naturalized citizen of this country, where he or she becomes a new American, he or she swears an oath of renunciation and allegiance.

Last week, on September 11, I noted that the oath of allegiance is currently a matter of mere Federal regulation and not a matter of law. I said that Congress ought to enshrine the oath in law.

Today, on behalf of Mr. BURNS, Mr. SESSIONS, and 30 Members of the Senate, I rise to introduce legislation to do precisely that—to make the current oath of allegiance the law of the land. Doing so will give the oath of allegiance the same status enjoyed by other key symbols and statements of being an American—the American flag, the Pledge of Allegiance, the national anthem, and our national motto. All these symbols and statements have been specifically approved by Congress and are now a matter of law. The oath of allegiance ought to be treated with the same dignity.

The Bureau of Citizenship and Immigration Services—or BCIS—an agency of the Department of Homeland Security, was recently planning to change the oath of allegiance that immigrants take to become a citizen of this Nation. While those changes seem now to be on hold, it seems inappropriate to me that the BCIS, or any other Government agency, no matter how well intentioned, should have the power to alter the oath without congressional approval.

In the first 5 months of this fiscal year, 166,968 immigrants took the oath and were naturalized as new citizens of this country.

The oath assumed its present form in the 1950s and was first adopted in Federal regulations in 1929. But some of the language dates all the way back to 1790.

Yesterday, I attended a naturalization ceremony for new citizens. They were proud to take the oath of allegiance to the United States. They were proud to become Americans. This is the oath they took to become U.S. citizens—the oath which will become law if the bill I will introduce today should pass and be signed by the President.

I quote:

I—and the citizen states his or her name—hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty of whom or which I have heretofore been a subject or citizen; that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will bear arms on behalf of the United States when required by the law; that I will perform noncombatant service in the Armed Forces of the United States when required by the law; that I will perform work of national importance under civilian direction when required by the law; and that I take this obligation freely without any mental reservation or purpose of evasion; so help me God.

That is the oath of allegiance. That is quite an oath. It has strength. It has clarity. It sounds as if it might have been written by some rowdy patriots in Philadelphia or Williamsburg.

Yet, surprisingly, Congress has never voted on the content of this oath. We have left it to Federal regulators. It is time to protect it.

This is a straightforward bill that simply codifies the oath of allegiance as it presently stands. The bill I introduce today has, as I mentioned, already attracted 30 cosponsors, including the distinguished Senator from North Carolina who is presiding today.

I hope more Senators will join us in protecting this key statement on what it means to become an American.

By Mr. DEWINE (for himself and Mr. DODD):

S. 1629. A bill to improve the palliative and end-of-life care provided to children with life-threatening conditions, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DEWINE. Mr. President, I would like to take a few moments to talk about a bill I will be introducing today, along with Senator CHRIS DODD, a bill that has to do with children. It is an issue that is difficult to think about or talk about but one that is critical to many children and their families in our Nation.

What I am taking about is what we do, or what we can do, when a child develops a life-threatening or terminal illness. What I am talking about is we need to make sure we do everything in our power to make sick children as comfortable as possible and as happy as possible—everything in our power to ease their suffering. What I am talking about is the pressing need for comprehensive, compassionate, continuous care for children who are facing death as a result of serious illness; the need

to make palliative care available to any child who is seriously ill and who might possibly be facing death.

No parent or family member ever expects a child to die. With today's modern medicine and research advances, it is easy to think that only older people die, but, tragically, we all know that is not the case. That is why today, along with Senator DODD and Congresswoman PRYCE and Congressman MURTHA, we are introducing a bill, the Compassionate Care for Children Act, 2003, in an effort to help ensure that very sick children receive a continuum of care and that young lives do not end in preventable pain or fear or sadness.

Every year, over 55,000 children die in the United States. Some children will die suddenly and unexpectedly, in a car accident, by drowning, or fire, or by choking. Some may even be murdered.

Others, though, thousands of children, will be diagnosed with life-threatening illnesses or disease that might eventually, over a period of time, take away their lives. Children with these kinds of illnesses are in and out of hospitals and clinics. They receive chemotherapy and radiation treatments. They might undergo multiple surgeries.

They might have nurses and doctors poking and prodding at them nearly all the time. Some of these children are old enough to realize that they might die if the treatments for their diseases might not work. Others are too young to understand that reality.

One poor girl—Liza—knew she was going to die. Shortly after her fourth birthday, she was diagnosed with a form of leukemia. For the next year, Liza's parents explored every possible medical option for her, and every possible treatment. They took her to doctor after doctor after doctor, and they had access to the most cutting-edge therapies available to treat Liza's disease. But nothing seemed to work. At the age of 5, Liza began to ask her mother about what would come next, and whether she would soon die after her bone marrow transplant—her last chance for a cure—had failed.

Once the medical treatments had failed, hospitals has little else to offer Liza. There was no discussion, tragically, about end-of-life care at the hospital for this little child. No one wanted to admit that they were out of treatment options, that there was no cure, that she wasn't going to get better, have her life restored and her health restored, and that she wasn't going to grow up and become an adult and have her own children someday. There was no discussion of that. No one in that hospital wanted to talk with Liza about death, even though this little girl pleaded with them to do so.

Liza's mother told the Washington Post that Liza asked her oncologist to tell her when death was near. This little 5-year-old girl asked her doctor to tell her when she was going to die. Yet on the final night of her life, as this little child lay dying in her mother's arms, near her father and her older sister, Liza asked, ''Why didn't the doctor call to tell me.''

Liza's parents were able to get some hospice care for their daughter during the last 3 months of her life. Tragically, fewer than 10 percent of children who die in the United States ever receive any sort of hospice care. When children like Liza are terminally ill, parents are forced to make decisions for their children under extremely emotional and stressful conditions. The decisions that confront these parents are ones that they never, of course, expected to have to make. Parents want what is best for their children. They want their children to get better and be healthy. They want their children to be pain free. They want their children to receive comfort and care when they are sick.

God forbid that parents find out their children are very sick—so sick they are never going to get better, so sick there are no more treatments and no more cures, and so sick they know their children are going to die. Those parents will try to do everything imaginable and everything possible in their power to help their children and make them comfortable, pain-free, and happy in their remaining days.

We have an obligation to help those parents achieve those goals.

Children with life-threatening diseases and illnesses require special medical attention to make their shortened lives more comfortable. We know that. Yet despite that knowledge, the fact is, current Federal law and regulations do not take into consideration the special care needs of a gravely ill or dying child. In fact, these Federal laws and regulations get in the way of taking care of these children.

The legislation we are introducing today would help correct the deficiencies in current law and help sick children facing possible death live more comfortably and live with dignity and would help them receive the comprehensive care they deserve and the comprehensive care we would expect for our own children.

Let me take a few moments to explain what our bill actually does.

First, it offers grants so doctors and nurses can receive training and education to enable them to better understand these issues and to help them provide end-of-life care for these kids. The goal of these grants is to improve the quality of care terminally ill children receive. One of the ways we do this is to make sure doctors and nurses truly understand these issues so they can provide the care and be better informed.

Our bill also provides money for the National Institutes of Health to conduct research in pain and symptom management in children. This research is critically important to improve the type of care dying children receive.

A recent article in the New England Journal of Medicine stated that 89 percent of children dying of cancer die experiencing ''a lot or a great deal'' of pain and suffering.

This does not have to happen. We can change that, and we must. This is simply not acceptable. Research has to be done so that children will not suffer needlessly.

In addition to grants, the second piece of our bill changes the way care is delivered to children with life-threatening illnesses. Right now, doctors, hospitals, and parents have to overcome significant insurance and eligibility barriers to enroll a dying child in hospice. First, to qualify for hospice, a doctor must certify that a child has 6 months or less to live. The problem with this ''6-month rule'' is that it is harder for a doctor to determine the life expectancy of a sick child than it is to determine the life expectancy of a sick adult or elderly person. A child dying of cancer, for example, may die in 6 months or 6 years, making that child ineligible for hospice care that would ensure a comfortable life while that child is alive. It is very difficult many times to estimate how long that child is going to live. This very rigid 6-month predictability rule which denies care is very inhumane for these kids. It is wrong, and we have to change that rule.

According to Dr. Joanne Hilden and Dr. Dan Tobin, ''Sick children are still growing, which is a biological process very much like healing. So when a child is diagnosed with illness such as cancer or heart disease, he is much more likely to be cured than an adult.''

Simply put, diseases progress differently in children than adults, and children with terminal diseases get lost in the health care system designed for adults—a health care system that does not take into consideration the special needs of children.

Furthermore, the current system does not allow a patient to receive curative and palliative care simultaneously. In other words, current law does not allow doctors to continue trying life-prolonging treatments—treatments that could cure an illness or extend their life, and also at the same time provide palliative care to that patient. In other words, current law does not allow the assistance, the doctors to go in to try to provide typical hospice care where you make that child comfortable and do all the things to alleviate the pain and at the same time you are still trying to save the child's life.

That is wrong. That is simply wrong. That presents a parent with a horrible choice, a choice that no parent should have.

That is tragic. Palliative care offers a continuum of care, care that involves counseling to families and patients about how to confront death, care that involves making the patient comfortable in his or her sickest hours, care that acknowledges that death is a real possibility.

Federal law requires a person who wishes to receive end-of-life care to discontinue receiving curative or life-prolonging treatment. When a child is involved, this means a parent must agree to no longer provide curative treatment, treatment that could cure the child—that is wrong—in order for their child to receive care and support for the possible end of life.

This should not be an either/or decision for parents. I don't know of any parent who would give up trying to cure a sick child when there was any chance that child might be saved. They should not be put in this position.

Current law places parents in impossible positions. We simply must fix this. End-of-life care should be integrated with curative care so that parents, children, and doctors have access to a range of benefits and services. As I said earlier, palliative care should not be confined to the dying. It should be available to any child who is seriously ill.

That is why our bill creates Medicare and private market demonstration programs to remove these barriers, making it simpler and easier for doctors and parents to make end-of-life decisions for children. the demonstration program will allow children to receive curative and palliative care concurrently. This means children can continue to receive treatment and life-prolonging care while receiving palliative care at the same time. The demonstration program also removes the 6-month rule so children can receive palliative care benefit at the time of diagnosis.

I take a moment to tell my colleagues about another girl, Rachel Ann. Rachel Ann was a little girl who did receive palliative care from the time she was diagnosed with a grave heart problem. Rachel Ann had a heart that doctors describe as ''incompatible with life.'' Most babies with heart malformations like Rachel Ann die within a matter of days after birth. Rachel Ann's parents were devastated and distraught to see their tiny baby connected to a sea of wire and tubes, clinging to life.

Rachel Ann's parents were referred to a pediatric hospice and decided to bring their daughter home from the hospital so she could experience life with her family, surrounded by parents, brothers, relatives and church community at home. Rachel Ann's parents say she seemed truly happy at home. She smiled and wiggled in response to voices and being held. Her brothers doted on their baby sister.

Rachel Ann was able to spend her life at home in comfort with her family. She lived for 42 days and her family was able to make every single moment count. On Christmas day, after spending the morning with her family, Rachel Ann passed away.

This is truly a tragic story. Fortunately, Rachel Ann and her family were able to spend as much time together as possible with Rachel Ann as comfortable as possible. Her brothers were able to know their sister and to talk with hospice professionals about what was happening to her. Rachel Ann's parents and grandparents also were able to talk about her condition with hospice professionals and maintained an active role in her care. There was a support system in place for this family.

The terminal illness of a child must be an incredibly difficult thing to confront for a parent and a family. No one wants to think about children dying. No one wants to believe that children suffer, especially in this age of great medical advances. It is a horrible situation. But it is one that we must face. We can always do more to improve the care that our children receive. We should continue to support research and finding cures for the diseases and illnesses from which children suffer. But until those cures are found, and as long as children die from these diseases, we must provide care and support for a dying child. We have an obligation to provide that care and that support.

The bill we will introduce later today will be an important step in this direction. It will provide tools and support networks to help grieving families in their time of need. It is the right thing to do. I encourage my colleagues to join us in cosponsoring this important piece of legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1629

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Children's Compassionate Care Act of 2003''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—GRANTS TO EXPAND PEDIATRIC PALLIATIVE CARE SERVICES AND RESEARCH

Sec. 101. Education and training.
Sec. 102. Grants to expand pediatric palliative care.
Sec. 103. Health professions fellowships and residency grants.
Sec. 104. Model program grants.
Sec. 105. Research.

TITLE II—PEDIATRIC PALLIATIVE CARE DEMONSTRATION PROJECTS

Sec. 201. Medicare pediatric palliative care demonstration projects.
Sec. 202. Private sector pediatric palliative care demonstration projects.
Sec. 203. Authorization of appropriations.

TITLE I—GRANTS TO EXPAND PEDIATRIC PALLIATIVE CARE SERVICES AND RESEARCH

SEC. 101. EDUCATION AND TRAINING.

Subpart 2 of part E of title VII of the Public Health Service Act (42 U.S.C. 295 et seq.) is amended—

(1) in section 770(a) by inserting ''except for section 771,'' after ''carrying out this subpart''; and

(2) by adding at the end the following:

''SEC. 771. PEDIATRIC PALLIATIVE CARE SERVICES EDUCATION AND TRAINING.

''(a) ESTABLISHMENT.—The Secretary may award grants to eligible entities to provide training in pediatric palliative care and related services.

''(b) ELIGIBLE ENTITY DEFINED.—

''(1) IN GENERAL.—In this section the term 'eligible entity' means a health care provider that is affiliated with an academic institution, that is providing comprehensive pediatric palliative care services, alone or through an arrangement with another entity, and that has demonstrated experience in providing training and consultative services in pediatric palliative care including—

''(A) children's hospitals or other hospitals or medical centers with significant capacity in caring for children with life-threatening conditions;

''(B) pediatric hospices or hospices with significant pediatric palliative care programs;

''(C) home health agencies with a demonstrated capacity to serve children with life-threatening conditions and that provide pediatric palliative care; and

''(D) any other entity that the Secretary determines is appropriate.

''(2) LIFE-THREATENING CONDITION DEFINED.—In this subsection, the term 'life-threatening condition' has the meaning given such term by the Secretary (in consultation with hospice programs (as defined in section 1861(dd)(2) of the Social Security Act (42 U.S.C. 1395x(dd)(2))) and academic experts in end-of-life care), except that the Secretary may not limit such term to individuals who are terminally ill (as defined in section 1861(dd)(3) of the Social Security Act (42 U.S.C. 1395x(dd)(3))).

''(c) AUTHORIZED ACTIVITIES.—Grant funds awarded under subsection (a) shall be used to—

''(1) provide short-term training and education programs in pediatric palliative care for the range of interdisciplinary health professionals and others providing such care;

''(2) provide consultative services and guidance to health care providers that are developing and building comprehensive pediatric palliative care programs;

''(3) develop regional information outreach and other resources to assist clinicians and families in local and outlying communities and rural areas;

''(4) develop or evaluate current curricula and educational materials being used in providing such education and guidance relating to pediatric palliative care;

''(5) facilitate the development, assessment, and implementation of clinical practice guidelines and institutional protocols and procedures for pediatric palliative, end-of-life, and bereavement care; and

''(6) assure that families of children with life-threatening conditions are an integral part of these processes.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2004 through 2008.''.

SEC. 102. GRANTS TO EXPAND PEDIATRIC PALLIATIVE CARE.

Part Q of title III of the Public Health Service Act (42 U.S.C. 280h et seq.) is amended by adding at the end the following:

''SEC. 399Z–1. GRANTS TO EXPAND PEDIATRIC PALLIATIVE CARE.

''(a) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Health Resources and Services Administration may award grants to eligible entities to implement or expand pediatric palliative care programs for children with life-threatening conditions.

''(b) ELIGIBLE ENTITY DEFINED.—In this section, the term 'eligible entity' means—

''(1) children's hospitals or other hospitals with a capacity and ability to care for children with life-threatening conditions;

''(2) hospices with a demonstrated capacity and ability to care for children with life-threatening conditions and their families; and

''(3) home health agencies with—

''(A) a demonstrated capacity and ability to care for children with life-threatening conditions; and

''(B) expertise in providing palliative care.

''(c) AUTHORIZED ACTIVITIES.—Grant funds awarded under subsection (a) shall be used to—

''(1) create new pediatric palliative care programs;

''(2) start or expand needed additional care settings, such as respite, hospice, inpatient day services, or other care settings to provide a continuum of care across inpatient, home, and community-based settings;

''(3) expand comprehensive pediatric palliative care services, including care coordination services, to greater numbers of children and broader service areas, including regional and rural outreach; and

''(4) support communication linkages and care coordination, telemedicine and teleconferencing, and measures to improve patient safety.

''(d) APPLICATION.—Each eligible entity desiring a grant under this section shall submit an application to the Administrator at such time, in such manner, and containing such information as the Administrator may require.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2004 through 2008.''.

SEC. 103. PEDIATRIC PALLIATIVE CARE TRAINING AND RESIDENCY GRANTS.

Part A of title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end the following:

''SEC. 404F. PEDIATRIC PALLIATIVE CARE TRAINING AND RESIDENCY GRANTS.

''(a) ESTABLISHMENT.—The Director of the National Institutes of Health is authorized to award training grants to eligible entities to expand the number of physicians, nurses, mental health professionals, and appropriate allied health professionals and specialists (as determined by the Secretary) with pediatric palliative clinical training and research experience.

''(b) ELIGIBLE ENTITY DEFINED.—In this section, the term 'eligible entity' means—

''(1) a pediatric department of a medical school and other related departments including—

''(A) oncology;

''(B) virology;

''(C) neurology; and

''(D) psychiatry;

''(2) a school of nursing;

''(3) a school of psychology and social work; and

''(4) a children's hospital or other hospital with a significant number of pediatric patients with life-threatening conditions.

''(c) APPLICATION.—Each eligible entity desiring a grant under this section shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2004 through 2008.''.

SEC. 104. MODEL PROGRAM GRANTS.

Part Q of title III of the Public Health Service Act (42 U.S.C. 280h et seq.), as amended by section 102, is further amended by adding at the end the following:

''SEC. 399Z–2. MODEL PROGRAM GRANTS.

''(a) ESTABLISHMENT.—The Secretary may award grants to eligible entities to enhance pediatric palliative care and care for children with life-threatening conditions in general pediatric or family practice residency training programs through the development of model programs.

''(b) ELIGIBLE ENTITY DEFINED.—In this section the term 'eligible entity' means a pediatric department of—

''(1) a medical school;

''(2) a children's hospital; or

''(3) any other hospital with a general pediatric or family practice residency program that serves a significant number of pediatric patients with life-threatening conditions.

''(c) APPLICATION.—Each eligible entity desiring a grant under this section shall submit an application to the Administrator at such time, in such manner, and containing such information as the Administrator may require.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2004 through 2008.''.

SEC. 105. RESEARCH.

(a) PAIN AND SYMPTOM MANAGEMENT.—The Director of the National Institutes of Health (in this section referred to as the ''Director'') shall provide translational research grants to fund research in pediatric pain and symptom management that will utilize existing facilities of the National Institutes of Health including—

(1) pediatric pharmacological research units;

(2) the general clinical research centers; and

(3) other centers providing infrastructure for patient oriented research.

(b) ELIGIBLE ENTITIES.—In carrying out subsection (a), the Director may award grants for the conduct of research to—

(1) children's hospitals or other hospitals serving a significant number of children with life-threatening conditions;

(2) pediatric departments of medical schools;

(3) institutions currently participating in National Institutes of Health network of pediatric pharmacological research units; and

(4) hospices with pediatric palliative care programs and academic affiliations.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000, to remain available until expended.

TITLE II—PEDIATRIC PALLIATIVE CARE DEMONSTRATION PROJECTS

SEC. 201. MEDICARE PEDIATRIC PALLIATIVE CARE DEMONSTRATION PROJECTS.

(a) DEFINITIONS.—In this section:

(1) CARE COORDINATION SERVICES.—The term ''care coordination services'' means services that provide for the coordination of, and assistance with, referral for medical and other services, including multidisciplinary care conferences, coordination with other providers involved in care of the eligible child, patient and family caregiver education and counseling, and such other services as the Secretary determines to be appropriate in order to facilitate the coordination and continuity of care furnished to an individual.

(2) DEMONSTRATION PROJECT.—The term ''demonstration project'' means a demonstration project established by the Secretary under subsection (b)(1).

(3) ELIGIBLE CHILD.—The term ''eligible child'' means an individual with a life-threatening condition who is entitled to benefits under part A of the medicare program and who is under 18 years of age.

(4) ELIGIBLE PROVIDER.—The term ''eligible provider'' means—

(A) a pediatric palliative care program that is a public agency or private organization (or a subdivision thereof) which—

(i)(I) is primarily engaged in providing the care and services described in section 1861(dd)(1) of the Social Security Act (42 U.S.C. 1395(dd)(1)) and makes such services available (as needed) on a 24-hour basis and which also provides counseling (including bereavement counseling) for the immediate family of eligible children;

(II) provides for such care and services in eligible children's homes, on an outpatient basis, and on a short-term inpatient basis, directly or under arrangements made by the agency or organization, except that—

(aa) the agency or organization must routinely provide directly substantially all of each of the services described in subparagraphs (A), (C), and (H) of such section 1861(dd)(1);

(bb) in the case of other services described in such section 1861(dd)(1) which are not provided directly by the agency or organization, the agency or organization must maintain professional management responsibility for all such services furnished to an eligible child, regardless of the location or facility in which such services are furnished; and

(III)(aa) identifies medical, community, and social service needs;

(bb) simplifies access to service;

(cc) uses the full range of community resources, including the friends and family of the eligible child; and

(dd) provides educational opportunities relating to health care; and

(ii) has an interdisciplinary group of personnel which—

(I) includes at least—

(aa) 1 physician (as defined in section 1861(r)(1) of the Social Security Act (42 U.S.C. 1395x(r)(1)));

(bb) 1 registered professional nurse; and

(cc) 1 social worker;

employed by or, in the case of a physician described in item (aa), under contract with the agency or organization, and also includes at least 1 pastoral or other counselor;

(II) provides (or supervises the provision of) the care and services described in such section 1861(dd)(1); and

(III) establishes the policies governing the provision of such care and services;

(iii) maintains central clinical records on all patients;

(iv) does not discontinue the palliative care it provides with respect to an eligible child because of the inability of the eligible child to pay for such care;

(v)(I) uses volunteers in its provision of care and services in accordance with standards set by the Secretary, which standards shall ensure a continuing level of effort to use such volunteers; and

(II) maintains records on the use of these volunteers and the cost savings and expansion of care and services achieved through the use of these volunteers;

(vi) in the case of an agency or organization in any State in which State or applicable local law provides for the licensing of agencies or organizations of this nature, is licensed pursuant to such law;

(vii) seeks to ensure that children and families receive complete, timely, understandable information about diagnosis, prognosis, treatments, and palliative care options;

(viii) ensures that children and families participate in effective and timely prevention, assessment, and treatment of physical and psychological symptoms of distress; and

(ix) meets such other requirements as the Secretary may find necessary in the interest of the health and safety of the eligible children who are provided with palliative care by such agency or organization; and

(B) any other individual or entity with an agreement under section 1866 of the Social Security Act (42 U.S.C. 1395cc) that—

(i) has demonstrated experience in providing interdisciplinary team-based palliative care and care coordination services (as defined in paragraph (1)) to pediatric populations; and

(ii) the Secretary determines is appropriate.

(5) LIFE-THREATENING CONDITION.—The term ''life-threatening condition'' has the meaning given such term by the Secretary (in consultation with hospice programs (as defined in section 1861(dd)(2) of the Social Security Act (42 U.S.C. 1395x(dd)(2))) and academic experts in end-of-life care), except that the Secretary may not limit such term to individuals who are terminally ill (as defined in section 1861(dd)(3) of the Social Security Act (42 U.S.C. 1395x(dd)(3))).

(6) MEDICARE PROGRAM.—The term ''medicare program'' means the health benefits program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(b) PEDIATRIC PALLIATIVE CARE DEMONSTRATION PROJECTS.—

(1) ESTABLISHMENT.—The Secretary shall establish demonstration projects in accordance with the provisions of this subsection to provide pediatric palliative care to eligible children.

(2) PARTICIPATION.—

(A) ELIGIBLE PROVIDERS.—Any eligible provider may furnish items or services covered under the pediatric palliative care benefit.

(B) ELIGIBLE CHILDREN.—The Secretary shall permit any eligible child residing in the service area of an eligible provider participating in a demonstration project to participate in such project on a voluntary basis.

(c) SERVICES UNDER DEMONSTRATION PROJECTS.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the provisions of section 1814(i) of the Social Security Act (42 U.S.C. 1395f(i)) shall apply to the payment for pediatric palliative care provided under the demonstration projects in the same manner in which such section applies to the payment for hospice care (as defined in section 1861(dd)(1) of the Social Security Act (42 U.S.C. 1395x(dd)(1))) provided under the medicare program.

(2) COVERAGE OF PEDIATRIC PALLIATIVE CARE.—

(A) IN GENERAL.—Notwithstanding section 1862(a)(1)(C) of the Social Security Act (42 U.S.C. 1395y(a)(1)(C)), the Secretary shall provide for reimbursement for items and services provided under the pediatric palliative care benefit made available under the demonstration projects in a manner that is consistent with the requirements of subparagraph (B).

(B) BENEFIT.—Under the pediatric palliative care benefit, the following requirements shall apply:

(i) WAIVER OF REQUIREMENT TO ELECT HOSPICE CARE.—Each eligible child may receive benefits without an election under section 1812(d)(1) of the Social Security Act (42 U.S.C. 1395d(d)(1)) to receive hospice care (as defined in section 1861(dd)(1) of such Act (42 U.S.C. 1395x(dd)(1))) having been made with respect to the eligible child.

(ii) AUTHORIZATION FOR CURATIVE TREATMENT.—Each eligible child may continue to receive benefits for disease and symptom modifying treatment under the medicare program.

(iii) PROVISION OF CARE COORDINATION SERVICES.—Each eligible child shall receive care coordination services (as defined in subsection (a)(1)) and hospice care (as so defined) through an eligible provider participating in a demonstration project, regardless of whether such individual has been determined to be terminally ill (as defined in section 1861(dd)(3) of the Social Security Act (42 U.S.C. 1395x(dd)(3))).

(iv) AVAILABILITY OF INFORMATION ON PEDIATRIC PALLIATIVE CARE.—Each eligible child and the family of such child shall receive information and education in order to better understand the utility of pediatric palliative care.

(v) AVAILABILITY OF BEREAVEMENT COUNSELING.—Each family of an eligible child shall receive bereavement counseling, if appropriate.

(vi) ADDITIONAL BENEFITS.—Under the demonstration projects, the Secretary may include any other item or service—

(I) for which payment may otherwise be made under the medicare program; and

(II) that is consistent with the recommendations contained in the report published in 2003 by the Institute of Medicine of the National Academy of Sciences entitled ''When Children Die: Improving Palliative and End-of-Life Care for Children and Their Families''.

(C) PAYMENT.—

(i) ESTABLISHMENT OF PAYMENT METHODOLOGY.—The Secretary shall establish a methodology for determining the amount of payment for pediatric palliative care furnished under the demonstration projects that is similar to the methodology for determining the amount of payment for hospice care (as defined in section 1861(dd)(1) of the Social Security Act (42 U.S.C. 1395x(dd)(1))) under section 1814(i) of such Act (42 U.S.C. 1395f(i)), except as provided in the following subclauses:

(I) AMOUNT OF PAYMENT.—Subject to subclauses (II) and (III), the amount of payment for pediatric palliative care shall be equal to the amount that would be paid for hospice care (as so defined), increased by an appropriate percentage to account for the additional costs of providing bereavement counseling and care coordination services (as defined in subsection (a)(1)).

(II) WAIVER OF HOSPICE CAP.—The limitation under section 1814(i)(2) of the Social Security Act (42 U.S.C. 1395f(i)(2)) shall not apply with respect to pediatric palliative care and amounts paid for pediatric palliative care under this subparagraph shall not be counted against the cap amount described in such section.

(III) SEPARATE PAYMENT FOR COUNSELING SERVICES.—Notwithstanding section 1814(i)(1)(A) of the Social Security Act (42 U.S.C. 1395f(i)(1)(A)), the Secretary may pay for bereavement counseling as a separate service.

(ii) SPECIAL RULES FOR PAYMENT OF MEDICARE+CHOICE ORGANIZATIONS.—The Secretary shall establish procedures under which the Secretary provides for an appropriate adjustment in the monthly payments made under section 1853 of the Social Security Act (42 U.S.C. 1395w–23) to any Medicare+Choice organization that provides health care items or services to an eligible child who is participating in a demonstration project.

(3) COVERAGE OF PEDIATRIC PALLIATIVE CARE CONSULTATION SERVICES.—Under the demonstration projects, the Secretary shall provide for a one-time payment on behalf of each eligible child who has not yet elected to participate in the demonstration project for services that are furnished by a physician who is either the medical director or an employee of an eligible provider participating in such a project and that consist of—

(A) an evaluation of the individual's need for pain and symptom management, including the need for pediatric palliative care;

(B) counseling the individual and the family of such individual with respect to the benefits of pediatric palliative care and care options; and

(C) if appropriate, advising the individual and the family of such individual regarding advanced care planning.

(d) CONDUCT OF DEMONSTRATION PROJECTS.—

(1) SITES.—The Secretary shall conduct demonstration projects in at least 4, but not more than 8, sites.

(2) SELECTION OF SITES.—The Secretary shall select demonstration sites on the basis of proposals submitted under paragraph (3) that are located in geographic areas that—

(A) include both urban and rural eligible providers; and

(B) are geographically diverse and readily accessible to a significant number of eligible children.

(3) PROPOSALS.—The Secretary shall accept proposals to furnish pediatric palliative care under the demonstration projects from any eligible provider at such time, in such manner, and in such form as the Secretary may reasonably require.

(4) FACILITATION OF EVALUATION.—The Secretary shall design the demonstration projects to facilitate the evaluation conducted under subsection (e)(1).

(5) DURATION.—The Secretary shall complete the demonstration projects within a period of 5 years that includes a period of 1 year during which the Secretary shall complete the evaluation under subsection (e)(1).

(e) EVALUATION AND REPORTS TO CONGRESS.—

(1) EVALUATION.—During the 1-year period following the first 4 years of the demonstration projects, the Secretary shall complete an evaluation of the demonstration projects in order—

(A) to determine the short-term and long-term costs and benefits of changing—

(i) hospice care (as defined in section 1861(dd)(1) of the Social Security Act (42 U.S.C. 1395x(dd)(1))) provided under the medicare program to children to include the pediatric palliative care furnished under the demonstration projects; and

(ii) the medicare program to permit eligible children to receive curative and palliative care simultaneously;

(B) to review the implementation of the demonstration projects compared to recommendations contained in the report published in 2003 by the Institute of Medicine of the National Academy of Sciences entitled ''When Children Die: Improving Palliative and End-of-Life Care for Children and Their Families'';

(C) to determine the quality and duration of palliative care for individuals who receive such care under the demonstration projects who would not be eligible to receive such care under the medicare program;

(D) whether any increase in payments for pediatric palliative care is offset by savings in other parts of the medicare program; and

(E) the projected cost of implementing the demonstration projects on a national basis.

(2) REPORTS.—

(A) INTERIM REPORT.—Not later than the date that is 2 years after the date on which the demonstration projects are implemented, the Secretary shall submit an interim report to Congress on the demonstration projects.

(B) FINAL REPORT.—Not later than the date that is 1 year after the date on which the demonstration projects end, the Secretary shall submit a final report to Congress on the demonstration projects that includes the results of the evaluation conducted under paragraph (1) together with such recommendations for legislation or administrative action as the Secretary determines is appropriate.

(f) WAIVER OF MEDICARE REQUIREMENTS.—The Secretary shall waive compliance with such requirements of the medicare program to the extent and for the period the Secretary finds necessary to conduct the demonstration projects.

SEC. 202. PRIVATE SECTOR PEDIATRIC PALLIATIVE CARE DEMONSTRATION PROJECTS.

(a) DEFINITIONS.—In this section:

(1) DEMONSTRATION PROJECT.—The term ''demonstration project'' means a demonstration project established by the Secretary under subsection (b)(1).

(2) ELIGIBLE CHILD.—The term ''eligible child'' means an individual with a life-threatening condition who is—

(A) under 18 years of age;

(B) enrolled for health benefits coverage under an eligible health plan; and

(C) not enrolled under (or entitled to) benefits under a health plan described in paragraph (3)(C).

(3) ELIGIBLE HEALTH PLAN.—

(A) IN GENERAL.—Subject to clauses (ii) and (iii), the term ''eligible health plan'' means an individual or group plan that provides, or pays the cost of, medical care (as such term is defined in section 2791 of the Public Health Service Act (42 U.S.C. 300gg–91)).

(B) TYPES OF PLANS INCLUDED.—For purposes of subparagraph (A), the term ''eligible health plan'' includes the following health plans, and any combination thereof:

(i) A group health plan (as defined in section 2791(a) of the Public Health Service Act (42 U.S.C. 300gg–91(a))), but only if the plan—

(I) has 50 or more participants (as defined in section 3(7) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(7))); or

(II) is administered by an entity other than the employer who established and maintains the plan.

(ii) A health insurance issuer (as defined in section 2791(b) of the Public Health Service Act (42 U.S.C. 300gg–91(b))).

(iii) A health maintenance organization (as defined in section 2791(b) of the Public Health Service Act (42 U.S.C. 300gg–91(b))).

(iv) A long-term care policy, including a nursing home fixed indemnity policy (unless the Secretary determines that such a policy does not provide sufficiently comprehensive coverage of a benefit so that the policy should be treated as a health plan).

(v) An employee welfare benefit plan or any other arrangement which is established or maintained for the purpose of offering or providing health benefits to the employees of 2 or more employers.

(vi) Health benefits coverage provided under a contract under the Federal employees health benefits program under chapter 89 of title 5, United States Code.

(C) TYPES OF PLANS EXCLUDED.—For purposes of subparagraph (A), the term ''eligible health plan'' does not include any of the following health plans:

(i) The medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(ii) The medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(iii) A medicare supplemental policy (as defined in section 1882(g)(1) of the Social Security Act (42 U.S.C. 1395ss et seq.).

(iv) The health care program for active military personnel under title 10, United States Code.

(v) The veterans health care program under chapter 17 of title 38, United States Code.

(vi) The Civilian Health and Medical Program of the Uniformed Services (CHAMPUS), as defined in section 1072(4) of title 10, United States Code.

(vii) The Indian health service program under the Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.).

(4) ELIGIBLE ORGANIZATION.—The term ''eligible organization'' means an organization that provides health benefits coverage under an eligible health plan.

(5) LIFE-THREATENING CONDITION.—The term ''life-threatening condition'' has the meaning given such term under section 201(a)(4).

(6) PEDIATRIC PALLIATIVE CARE.—The term ''pediatric palliative care'' means services of the type to be furnished under the demonstration projects under section 201, including care coordination services (as defined in subsection (a)(1) of such section).

(7) PEDIATRIC PALLIATIVE CARE CONSULTATION SERVICES.—The term ''pediatric palliative care consultation services'' means services of the type described in section 201(c)(3).

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services, acting through the Director of the Agency for Healthcare Research and Quality.

(b) NONMEDICARE PEDIATRIC PALLIATIVE CARE DEMONSTRATION PROJECTS.—

(1) ESTABLISHMENT.—The Secretary shall establish demonstration projects under this section at the same time as the Secretary establishes the demonstration projects under section 201 and in accordance with the provisions of this subsection to demonstrate the provision of pediatric palliative care and pediatric palliative care consultation services to eligible children who are not entitled to (or enrolled for) coverage under the health plans described in subsection (a)(3)(C).

(2) PARTICIPATION.—

(A) ELIGIBLE ORGANIZATIONS.—The Secretary shall permit any eligible organization to participate in a demonstration project on a voluntary basis.

(B) ELIGIBLE CHILDREN.—Any eligible organization participating in a demonstration project shall permit any eligible child enrolled in an eligible health plan offered by the organization to participate in such project on a voluntary basis.

(c) SERVICES UNDER DEMONSTRATION PROJECTS.—

(1) PROVISION OF PEDIATRIC PALLIATIVE CARE AND CONSULTATION SERVICES.—Under a demonstration project, each eligible organization electing to participate in the demonstration project shall provide pediatric palliative care and pediatric palliative care consultation services to each eligible child who is enrolled with the organization and who elects to participate in the demonstration project.

(2) AVAILABILITY OF ADMINISTRATIVE GRANTS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall award grants to eligible organizations electing to participate in a demonstration project for the administrative costs incurred by the eligible organization in participating in the demonstration project, including the costs of collecting and submitting the data required to be submitted under subsection (d)(4)(B).

(B) NO PAYMENT FOR SERVICES.—The Secretary may not pay eligible organizations for pediatric palliative care or pediatric palliative care consultation services furnished under the demonstration projects.

(d) CONDUCT OF DEMONSTRATION PROJECTS.—

(1) SITES.—The Secretary shall conduct demonstration projects in at least 4, but not more than 8, sites.

(2) SELECTION OF SITES.—The Secretary shall select demonstration sites on the basis of proposals submitted under paragraph (3) that are located in geographic areas that—

(A) include both urban and rural eligible organizations; and

(B) are geographically diverse and readily accessible to a significant number of eligible children.

(3) PROPOSALS.—

(A) IN GENERAL.—The Secretary shall accept proposals to furnish pediatric palliative care and pediatric palliative care consultation services under the demonstration projects from any eligible organization at such time, in such manner, and in such form as the Secretary may require.

(B) APPLICATION FOR ADMINISTRATIVE GRANTS.—If the eligible organization desires to receive an administrative grant under subsection (c)(2), the proposal submitted under subparagraph (A) shall include a request for the grant, specify the amount requested, and identify the purposes for which the organization will use any funds made available under the grant.

(4) COLLECTION AND SUBMISSION OF DATA.—

(A) COLLECTION.—Each eligible organization participating in a demonstration project shall collect such data as the Secretary may require to facilitate the evaluation to be completed under subsection (e)(1).

(B) SUBMISSION.—Each eligible organization shall submit the data collected under subparagraph (A) to the Secretary at such time, in such manner, and in such form as the Secretary may require.

(5) DURATION.—The Secretary shall complete the demonstration projects within a period of 5 years that includes a period of 1 year during which the Secretary shall complete the evaluation under subsection (e)(1).

(e) EVALUATION AND REPORTS TO CONGRESS AND ELIGIBLE ORGANIZATIONS.—

(1) EVALUATION.—During the 1-year period following the first 4 years of the demonstration projects, the Secretary shall complete an evaluation of the demonstration projects.

(2) REPORTS.—

(A) INTERIM REPORT.—Not later than the date that is 2 years after the date on which the demonstration projects are implemented, the Secretary shall submit an interim report to Congress and each eligible organization participating in a demonstration project on the demonstration projects.

(B) FINAL REPORT.—Not later than the date that is 1 year after the date on which the demonstration projects end, the Secretary shall submit a final report to Congress and each eligible organization participating in a demonstration project on the demonstration projects that includes the results of the evaluation conducted under paragraph (1) together with such recommendations for legislation or administrative action as the Secretary determines is appropriate.

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated—

(1) $2,500,000, to carry out the demonstration projects under section 201; and

(2) $2,500,000, to carry out the demonstration projects under section 202, including for awarding grants under subsection (c)(2) of such section.

(b) AVAILABILITY.—Sums appropriated under subsection (a) shall remain available, without fiscal year limitation, until expended.

By Mrs. CLINTON (for herself, Mrs. DOLE, Ms. CANTWELL, Mr. BENNETT, Mr. BINGAMAN, Mrs. MURRAY, and Ms. LANDRIEU):

S. 1630. A bill to facilitate nationwide availability of 2–1–1 telephone service for information and referral services, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. CLINTON. Mr. President, I want to think you Len Roberts and the people of United Way for making this day possible. The tremendous board members, including Brian Gallagher and Dr. Johnnetta Cole. And Paul Thornell and Bridget Gavaghan, of the staff.

I also want to thank Senator DOLE for working with me on this project. Because of her long history with the Red Cross, she understands the important of 2–1–1, and I am so pleased to be working with her to champion the Calling for 2–1–1 Act. I know that she will be a tremendous help in getting this legislation passed into law.

Representatives RICHARD BURR and ANNA ESHOO are leading this effort in the House and I appreciate their efforts.

I also want to thank you Major Dennis E. Fowler who was here this morning from Florida to share his perspective on the value of 2–1–1.

And of course, I have to mention George Clooney who is on the board of United Way and came to a press conference this morning to help publicize this legislation. I am always happy to thank people who take time away from K Street to help Main Street.

This is a piece of legislation whose time has come.

As you all know, I represent a State that experienced a horrible tragedy on September 11. The silver lining in that tragedy was the tremendous outgrowth of volunteerism. We saw thousands of individuals—people from all over the country—who came to New York just to lend a hand.

But the biggest challenge the city experienced was coordinating those efforts. Making sure we knew exactly how many people were needed to heal the wounded, clean up debris at the site, donate blood, bring food and coffee to the firefighters and police officers who were working round the clock, and so much more.

The needs were great and the people of America rose to the challenge. But our infrastructure struggled to keep up.

As time wore on, the economic repercussions of the disaster became more and more apparent. More than 100,000 people lost their jobs. Close to 2,000 families applied for housing assistance because they couldn't pay their rent or mortgage. Ninety thousand people developed symptoms of posttraumatic stress disorder or clinical depression within 8 weeks of the attacks. Another 34,000 people met the criteria for both diagnoses.

Again, our communities rose to the challenge. Philanthropic organizations like United Way, along with corporations, foundations, and community organizations raise more than $1 billion to help the victims.

But our government did not have the infrastructure to handle the outpouring of support. In a study of the aftermath of September 11, the Brookings Institution and Urban Institute found that as the dislocated workers struggled to obtain assistance. people ''found it difficult to connect with resources due to a social-services infrastructure that does not support a simple and deficient method for people to learn about and access services and for agencies to coordinate their activities.''

That's what 2–1–1 is all about. It provides a single, efficient, coordinated way for people who need help to connect with those who can provide it.

The Federal Communications Commission land the groundwork for a 2–1–1 number in 2000 when it directed the telephone number to be reserved for information and referral to social- and human-services agencies. The 2–1–1 system opens the way to a user-friendly social-services network, by providing an easy-to-remember and universally available phone number that links individuals and families in need to the appropriate non-profit and government agencies.

Where 2–1–1 is now active, it has done just that. 2–1–1 is helping our youth to navigate through difficult situations like exiting a gang, assisting a suicidal friend, and rejecting illegal drugs.

2–1–1 was already operating in Connecticut during September 11 and it was critical in helping identify the whereabouts of victims, connecting frightened children with their parents, providing information on terrorist suspects, and linking ready volunteers with coordinated efforts and victims with necessary mental and physical health services. 2–1–1 provided locations of vigils and support groups, and information on bioterrorism.

I want those services to be available to New Yorkers who continue to need services in the recovery process. Some have mental health problems. Other are still out of work. Others need legal and financial advice. Whatever the need, 2–1–1 can help.

So I am thrilled to announce today that I am introducing the Calling for 2–1–1 Act. I hope that we soon reach a day when all Americans have the 4–1–1 on 2–1–1 so it can help them through life's toughest challenges. Thank you.

By Mr. CHAMBLISS:

S. 1635. A bill to amend the Immigration and Nationality Act to ensure the integrity of the L–1 visa for intracompany transferees; to the Committee on the Judiciary.

Mr. CHAMBLISS. Mr. President, I rise today to introduce the L–1 Visa Reform Act which affects intracompany transferees seeking entry to the United States. Congress created the L–1 visa to allow international companies to move executives, managers, and other key personnel within the company and into the U.S. temporarily. The L–1 is an important tool for our multi-national corporations, however, some companies are making an end-run around the visa process by bringing in professional workers on L–1 visas and then outsourcing those workers to a third party company. In other words, some firms are using the so-called ''L–1 loophole'' to become the international equivalent of temp agencies, or ''job shops.'' As a result, American workers are being displaced by foreign workers who are brought to the U.S. essentially for their labor. This must stop—my legislation targets the problem, closes the loophole, and protects U.S. jobs from inappropriate use of the L–1 visa.

The situation in question arises when a company with both foreign and U.S.-based operations obtains an L–1 visa to transfer a foreign employee who has ''specialized knowledge'' of the company's product or processes. The problem occurs only when an employee with specialized knowledge is placed offsite at the business location of a third party company. In this context, if the L–1 employee does not bring anything more than generic knowledge of the third party company's operations, the foreign worker is acting more like an H–1B professional than a true intracompany transferee. Outsourcing an L–1 worker in this way has resulted in American workers being displaced at the third party company. In these difficult economic times, we must ensure that American workers aren't losing their jobs to cheap foreign labor by those circumventing protections already in law.

Several weeks ago I held a hearing on L–1 visa concerns in the Immigration Subcommittee. We heard from a full-range of witnesses—from a displaced worker and labor unions to small and large U.S. companies to business immigration experts. The hearing clearly demonstrated a problem exists, and the testimony of our witnesses directed attention to Congress' intent in creating the L–1 visa. The bill I am introducing today clarifies Congress' intent and restricts the inappropriate use of the L–1 visa. The bill does so without forcing unnecessary restrictions on the visa that would only result in adverse effects on legitimate L–1 users.

The L–1 Visa Reform Act prevents companies from using the L–1 visa when an H–1B visa with its worker protections is appropriate. The legislation requires that any employee with specialized knowledge who is located offsite must, first, be controlled and supervised by the petitioning company and, second, be provided in connection with an exchange of products or services between the petitioning company and the third-party company. This will stop the practice of a consulting company bringing in foreign workers to send over to a manufacturer when the consulting company does nothing more than cut the foreign worker's paycheck once a month. Instead, the bill requires the third-party company to have a preexisting business relationship with the petitioning company that is more than just supplying workers.

In addition, the legislation requires companies to employ a worker for at least one year before sending the employee over on an L–1 intra-company

transfer. One year is a reasonable amount of time to require an employee to have attained the specialized knowledge of the company's products, services or processes to qualify for the visa. The bill also mandates the Department of Homeland Security to maintain statistics differentiating between L–1 transferees who are managers and executives and those who are specialized knowledge employees. This will provide better accountability and fraud prevention when L–1 petitions are reviewed and approved.

We need the best people in the world to come to the United States, to bring their skills and innovative ideas, and to support our business enterprises. The L–1 visa is an important tool to achieve these purposes. But we must ensure that American workers are not displaced by foreign workers, particularly when we have safeguards in place albeit a loophole in law. The L–1 Visa Reform Act will close that loophole for the benefit of U.S. workers and for U.S. businesses who use the visa as it is intended.

I yield the floor.

AMENDMENTS SUBMITTED & PROPOSED

SA 1723. Mr. REID (for himself and Mr. DOMENICI) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes.

SA 1724. Mr. BURNS (for himself and Mr. DORGAN) proposed an amendment to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

SA 1725. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2691, supra; which was ordered to lie on the table.

SA 1726. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 2691, supra; which was ordered to lie on the table.

SA 1727. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 2691, supra; which was ordered to lie on the table.

SA 1728. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2691, supra; which was ordered to lie on the table.

SA 1729. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 2691, supra; which was ordered to lie on the table.

SA 1730. Ms. COLLINS (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill H.R. 2691, supra; which was ordered to lie on the table.

SA 1731. Mr. REID (for himself, Mr. LIEBERMAN, Ms. LANDRIEU, Mr. KENNEDY, Mrs. MURRAY, and Ms. CANTWELL) proposed an amendment to the bill H.R. 2691, supra.

SA 1732. Mr. REID proposed an amendment to the bill H.R. 2691, supra.

SA 1733. Mr. REID proposed an amendment to the bill H.R. 2691, supra.

SA 1734. Mr. DASCHLE proposed an amendment to the bill H.R. 2691, supra.

SA 1735. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 2691, supra; which was ordered to lie on the table.

SA 1736. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 2691, supra; which was ordered to lie on the table.

SA 1737. Mr. ENSIGN (for himself, Mr. REID, and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 2691, supra; which was ordered to lie on the table.

SA 1738. Mr. MCCONNELL (for Mr. MCCAIN (for himself, Mr. LUGAR, Mr. BIDEN, and Mr. LIEBERMAN)) proposed an amendment to the resolution S. Res. 225, commemorating the 100th anniversary of diplomatic relations between the United States and Bulgaria.

TEXT OF AMENDMENTS

SA 1723. Mr. REID (for himself and Mr. DOMENICI) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 16, end of line 12, before the ''.'' insert the following:

: *Provided further*, That $65,000,000 is provided to be used by the Secretary of the Army, acting through the Chief of Engineers, to repair, restore, and clean up projects and facilities of the Corps of Engineers and dredge navigation channels, restore and clean out area streams, provide emergency stream bank protection, restore other crucial public infrastructure (including water and sewer facilities), document flood impacts, and undertake other flood recovery efforts considered necessary by the Chief of Engineers

SA 1724. Mr. BURNS (for himself and Mr. DORGAN) proposed an amendment to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Strike all after the enacting clause and insert the following: That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For necessary expenses for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), $847,091,000, to remain available until expended, of which $1,000,000 is for high priority projects, to be carried out by the Youth Conservation Corps; $2,484,000 is for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96–487; (16 U.S.C. 3150); and of which not to exceed $1,000,000 shall be derived from the special receipt account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–6a(i)); and of which $3,000,000 shall be available in fiscal year 2004 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation for cost-shared projects supporting conservation of Bureau lands; and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred; in addition, $32,696,000 is for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $847,091,000; and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities: *Provided*, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau.

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, $698,725,000, to remain available until expended, of which not to exceed $12,374,000 shall be for the renovation or construction of fire facilities: *Provided*, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further*, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: *Provided further*, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: *Provided further*, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: *Provided further*, That notwithstanding requirements of the Competition in Contracting Act, the Secretary, for purposes of hazardous fuels reduction activities, may obtain maximum practicable competition among: (A) local private, nonprofit, or cooperative entities; (B) Youth Conservation Corps crews or related partnerships with state, local, or non-profit youth groups; (C) small or micro-businesses; or (D) other entities that will hire or train locally a significant percentage, defined as 50 percent or more, of the project workforce to complete such contracts: *Provided further*, That in implementing this section, the Secretary shall develop written guidance to field units to ensure accountability and consistent application of the authorities provided herein: *Provided further*, That funds appropriated under this head may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act in connection with wildland fire management activities: *Provided further*, That the Secretary of the Interior may use wildland fire appropriations to

enter into non-competitive sole source leases of real property with local governments, at or below fair market value, to construct capitalized improvements for fire facilities on such leased properties, including but not limited to fire guard stations, retardant stations, and other initial attack and fire support facilities, and to make advance payments for any such lease or for construction activity associated with the lease.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), $9,978,000, to remain available until expended: *Provided,* That notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act, shall be credited to this account, to be available until expended without further appropriation: *Provided further,* That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary and which shall be credited to this account.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $12,476,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, $25,600,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein, including existing connecting roads on or adjacent to such grant lands; $106,672,000, to remain available until expended: *Provided,* That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

FOREST ECOSYSTEMS HEALTH AND RECOVERY FUND

(REVOLVING FUND, SPECIAL ACCOUNT)

In addition to the purposes authorized in Public Law 102–381, funds made available in the Forest Ecosystem Health and Recovery Fund can be used for the purpose of planning, preparing, implementing and monitoring salvage timber sales and forest ecosystem health and recovery activities, such as release from competing vegetation and density control treatments. The Federal share of receipts (defined as the portion of salvage timber receipts not paid to the counties under 43 U.S.C. 1181f and 43 U.S.C. 1181f–1 et seq., and Public Law 106–393) derived from treatments funded by this account shall be deposited into the Forest Ecosystem Health and Recovery Fund.

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,000,000, to remain available until expended: *Provided,* That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579, as amended, and Public Law 93–153, to remain available until expended: *Provided,* That notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: *Provided further,* That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on her certificate, not to exceed $10,000: *Provided,* That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards: *Provided further,* That section 28 of title 30, United States Code, is amended: (1) in section 28f(a), by striking ''for years 2002 through 2003'' and inserting in lieu thereof ''for years 2004 through 2008''; and (2) in section 28g, by striking ''and before September 30, 2003'' and inserting in lieu thereof ''and before September 30, 2008''.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, as authorized by law, and for scientific and economic studies, maintenance of the herd of longhorned cattle on the Wichita Mountains Wildlife Refuge, general administration, and for the performance of other authorized functions related to such resources by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, $942,244,000, to remain available until September 30, 2005: *Provided,* That $2,000,000 is for high priority projects, which shall be carried out by the Youth Conservation Corps: *Provided further,* That not to exceed $12,286,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, for species that are indigenous to the United States (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which not to exceed $8,900,000 shall be used for any activity regarding the designation of critical habitat, pursuant to subsection (a)(3), excluding litigation support, for species already listed pursuant to subsection (a)(1) as of the date of enactment of this Act: *Provided further,* That of the amount available for law enforcement, up to $400,000 to remain available until expended, may at the discretion of the Secretary be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on her certificate: *Provided further,* That of the amount provided for environmental contaminants, up to $1,000,000 may remain available until expended for contaminant sample analyses.

CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $53,285,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $64,689,000, to be derived from the Land and Water Conservation Fund and to remain available until expended: *Provided,* That none of the funds appropriated for specific land acquisition projects can be

used to pay for any administrative overhead, planning or other management costs.

LANDOWNER INCENTIVE PROGRAM

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, $40,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended: *Provided*, That the amount provided herein is for a Landowner Incentive Program established by the Secretary that provides matching, competitively awarded grants to States, the District of Columbia, Tribes, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, and American Samoa, to establish or supplement existing landowner incentive programs that provide technical and financial assistance, including habitat protection and restoration, to private landowners for the protection and management of habitat to benefit federally listed, proposed, candidate or other at-risk species on private lands.

STEWARDSHIP GRANTS

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, $10,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended: *Provided*, That the amount provided herein is for a Stewardship Grants Program established by the Secretary to provide grants and other assistance to individuals and groups engaged in private conservation efforts that benefit federally listed, proposed, candidate, or other at-risk species.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), as amended, $86,614,000, of which $36,614,000 is to be derived from the Cooperative Endangered Species Conservation Fund and $50,000,000 is to be derived from the Land and Water Conservation Fund, to remain available until expended.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $14,414,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101–233, as amended, $42,982,000, to remain available until expended.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

For financial assistance for projects to promote the conservation of neotropical migratory birds in accordance with the Neotropical Migratory Bird Conservation Act, Public Law 106–247 (16 U.S.C. 6101–6109), $3,000,000, to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4213, 4221–4225, 4241–4245, and 1538), the Asian Elephant Conservation Act of 1997 (Public Law 105–96; 16 U.S.C. 4261–4266), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301–5306), and the Great Ape Conservation Act of 2000 (16 U.S.C. 6301), $6,000,000, to remain available until expended.

STATE AND TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and federally recognized Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, $75,000,000 to be derived from the Land and Water Conservation Fund, and to remain available until expended: *Provided*, That of the amount provided herein, $5,000,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: *Provided further*, That the Secretary shall, after deducting said $5,000,000 and administrative expenses, apportion the amount provided herein in the following manner: (A) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof; and (B) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: *Provided further*, That the Secretary shall apportion the remaining amount in the following manner: (A) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (B) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: *Provided further*, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: *Provided further*, That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 50 percent of the total costs of such projects: *Provided further*, That the non-Federal share of such projects may not be derived from Federal grant programs: *Provided further*, That no State, territory, or other jurisdiction shall receive a grant unless it has developed, or committed to develop by October 1, 2005, a comprehensive wildlife conservation plan, consistent with criteria established by the Secretary of the Interior, that considers the broad range of the State, territory, or other jurisdiction's wildlife and associated habitats, with appropriate priority placed on those species with the greatest conservation need and taking into consideration the relative level of funding available for the conservation of those species: *Provided further*, That any amount apportioned in 2004 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2005, shall be reapportioned, together with funds appropriated in 2006, in the manner provided herein: *Provided further*, That balances from amounts previously appropriated under the heading ''State Wildlife Grants'' shall be transferred to and merged with this appropriation and shall remain available until expended: *Provided further*, That up to 10 percent of the funds received by any State under this heading may be used for wildlife conservation education and outreach efforts that contribute significantly to the conservation of wildlife species or wildlife habitat.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 157 passenger motor vehicles, of which 142 are for replacement only (including 33 for police-type use); repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management, and investigation of fish and wildlife resources: *Provided*, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That the Service may accept donated aircraft as replacements for existing aircraft: *Provided further*, That notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in Senate Report 105–56.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, $1,636,299,000, of which $10,887,000 is for planning and interagency coordination in support of Everglades restoration and shall remain available until expended; of which $96,480,000, to remain available until September 30, 2005, is for maintenance, repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments; and of which $2,000,000 is for the Youth Conservation Corps for high priority projects: *Provided further*, That the only funds in this account which may be made available to support United States Park Police are those funds approved for emergency law and order incidents pursuant to established National Park Service procedures, those funds needed to maintain and repair United States Park Police administrative facilities, and those funds necessary to reimburse the United States Park Police account for the unbudgeted overtime and travel costs associated with special events for an amount not to exceed $10,000 per event subject to the review and concurrence of the Washington headquarters office.

UNITED STATES PARK POLICE

For expenses necessary to carry out the programs of the United States Park Police, $78,349,000.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $60,154,000.

URBAN PARK AND RECREATION FUND

For expenses necessary to carry out the provisions of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.), $305,000, to remain available until expended.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), $75,750,000, to be derived from the Historic Preservation Fund, to remain available until September 30, 2005: *Provided*, That, of the amount provided herein, $500,000, to remain available until expended, is for a grant for the perpetual care and maintenance of National Trust Historic Sites, as authorized under 16 U.S.C. 470a(e)(2), to be made available in full upon signing of a grant agreement: *Provided further*, That, notwithstanding any other provision of law, these funds shall be available for investment with the proceeds to be used for the same purpose as set out herein: *Provided further*, That of the total amount provided, $32,000,000 shall be for Save America's Treasures for priority preservation projects, of nationally significant sites, structures, and artifacts: *Provided further*, That any individual Save America's Treasures grant shall be matched by non-Federal funds: *Provided further*, That individual projects shall only be eligible for one grant, and all projects to be funded shall be approved by the House and Senate Committees on Appropriations and the Secretary of the Interior in consultation with the President's Committee on the Arts and Humanities prior to the commitment of grant funds: *Provided further*, That Save America's Treasures funds allocated for Federal projects, following approval, shall be available by transfer to appropriate accounts of individual agencies.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, $341,531,000, to remain available until expended, of which $300,000 for the L.Q.C. Lamar House National Historic Landmark and $375,000 for the Sun Watch National Historic Landmark shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a: *Provided*, That none of the funds in this or any other Act, may be used to pay the salaries and expenses of more than 160 Full Time Equivalent personnel working for the National Park Service's Denver Service Center funded under the construction program management and operations activity: *Provided further*, That none of the funds provided in this or any other Act may be used to pre-design, plan, or construct any new facility (including visitor centers, curatorial facilities, administrative buildings), for which appropriations have not been specifically provided if the net construction cost of such facility is in excess of $5,000,000, without prior approval of the House and Senate Committees on Appropriations: *Provided further*, That this restriction applies to all funds available to the National Park Service, including partnership and fee demonstration projects.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 2004 by 16 U.S.C. 4601–10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601–4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, $158,473,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which $104,000,000 is for the State assistance program including not to exceed $4,000,000 for the administration of this program: *Provided*, That none of the funds provided for the State assistance program may be used to establish a contingency fund.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 249 passenger motor vehicles, of which 202 shall be for replacement only, including not to exceed 193 for police-type use, 10 buses, and 8 ambulances: *Provided*, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further*, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project: *Provided further*, That the National Park Service may make a grant of not to exceed $70,000 for the construction of a memorial in Cadillac, Michigan in honor of Kris Eggle.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

Notwithstanding any other provision of law, in fiscal year 2004, with respect to the administration of the National Park Service park pass program by the National Park Foundation, the Secretary may obligate to the Foundation administrative funds expected to be received in that fiscal year before the revenues are collected, so long as total obligations in the administrative account do not exceed total revenue collected and deposited in that account by the end of the fiscal year.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law and to publish and disseminate data; $928,864,000, of which $64,630,000 shall be available only for cooperation with States or municipalities for water resources investigations; and of which $15,499,000 shall remain available until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries; and of which $8,000,000 shall remain available until expended for satellite operations; and of which $23,230,000 shall be available until September 30, 2005, for the operation and maintenance of facilities and deferred maintenance; of which $169,580,000 shall be available until September 30, 2005, for the biological research activity and the operation of the Cooperative Research Units: *Provided*, That none of these funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: *Provided further*, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the United States Geological Survey shall be available for the purchase of not to exceed 53 passenger motor vehicles, of which 48 are for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: *Provided*, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only, $166,016,000, of which $80,396,000 shall be available for royalty management activities; and an amount not to exceed $100,230,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for Outer Continental Shelf administrative activities performed by the Minerals Management Service (MMS) over and above the rates in effect on September 30, 1993, and from additional fees for Outer Continental Shelf administrative activities established after September 30, 1993: *Provided*, That to the extent $100,230,000 in additions to receipts are not realized from the sources of receipts stated above, the

amount needed to reach $100,230,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: *Provided further*, That $3,000,000 for computer acquisitions shall remain available until September 30, 2005: *Provided further*, That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721(b) and (d): *Provided further*, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: *Provided further*, That notwithstanding any other provision of law, $15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of MMS concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments: *Provided further*, That MMS may under the royalty-in-kind pilot program, or under its authority to transfer oil to the Strategic Petroleum Reserve, use a portion of the revenues from royalty-in-kind sales, without regard to fiscal year limitation, to pay for transportation to wholesale market centers or upstream pooling points, and to process or otherwise dispose of royalty production taken in kind, and to recover MMS transportation costs, salaries, and other administrative costs directly related to filling the Strategic Petroleum Reserve: *Provided further*, That MMS shall analyze and document the expected return in advance of any royalty-in-kind sales to assure to the maximum extent practicable that royalty income under the pilot program is equal to or greater than royalty income recognized under a comparable royalty-in-value program.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $7,105,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not to exceed 10 passenger motor vehicles, for replacement only; $106,424,000: *Provided*, That the Secretary of the Interior, pursuant to regulations, may use directly or through grants to States, moneys collected in fiscal year 2004 for civil penalties assessed under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: *Provided further*, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not more than 10 passenger motor vehicles for replacement only, $190,893,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended; of which up to $10,000,000, to be derived from the Federal Expenses Share of the Fund, shall be for supplemental grants to States for the reclamation of abandoned sites with acid mine rock drainage from coal mines, and for associated activities, through the Appalachian Clean Streams Initiative: *Provided*, That grants to minimum program States will be $1,500,000 per State in fiscal year 2004: *Provided further*, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further*, That funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: *Provided further*, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: *Provided further*, That the State of Maryland may set aside the greater of $1,000,000 or 10 percent of the total of the grants made available to the State under title IV of the Surface Mining Control and Reclamation Act of 1977, as amended (30 U.S.C. 1231 et seq.), if the amount set aside is deposited in an acid mine drainage abatement and treatment fund established under a State law, pursuant to which law the amount (together with all interest earned on the amount) is expended by the State to undertake acid mine drainage abatement and treatment projects, except that before any amounts greater than 10 percent of its title IV grants are deposited in an acid mine drainage abatement and treatment fund, the State of Maryland must first complete all Surface Mining Control and Reclamation Act priority one projects.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, $1,912,178,000, to remain available until September 30, 2005 except as otherwise provided herein, of which not to exceed $87,925,000 shall be for welfare assistance payments and notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed $135,315,000 shall be available for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2004, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; and of which not to exceed $458,524,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2004, and shall remain available until September 30, 2005; and of which not to exceed $55,766,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: *Provided*, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed $46,182,000 within and only from such amounts made available for school operations shall be available to tribes and tribal organizations for administrative cost grants associated with ongoing grants entered into with the Bureau prior to or during fiscal year 2003 for the operation of Bureau-funded schools, and up to $3,000,000 within and only from such amounts made available for school operations shall be available for the transitional costs of initial administrative cost grants to tribes and tribal organizations that enter into grants for the operation on or after July 1, 2004 of Bureau-operated schools: *Provided further*, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2005, may be transferred during fiscal year 2006 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: *Provided further*, That any such unobligated balances not so transferred shall expire on September 30, 2006.

CONSTRUCTION

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, $351,154,000, to remain available until expended: *Provided*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: *Provided further*, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: *Provided further*, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: *Provided further*, That for fiscal year 2004, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to tribally controlled grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: *Provided further*, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: *Provided further*, That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(a), with respect to organizational and financial management capabilities: *Provided further*, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2505(f): *Provided further*, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2508(e).

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, $50,583,000, to remain available until expended; of which $31,766,000 shall be available for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 101–618, 107–

331, and 102–575, and for implementation of other enacted water rights settlements; and of which $18,817,000 shall be available pursuant to Public Laws 99–264, 100–580, 106–425, and 106–554.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed and insured loans, $5,797,000, as authorized by the Indian Financing Act of 1974, as amended: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $94,568,000.

In addition, for administrative expenses to carry out the guaranteed and insured loan programs, $700,000.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

Notwithstanding 25 U.S.C. 15, the Bureau of Indian Affairs may contract for services in support of the management, operation, and maintenance of the Power Division of the San Carlos Irrigation Project.

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase of not to exceed 229 passenger motor vehicles, of which not to exceed 187 shall be for replacement only.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office operations or pooled overhead general administration (except facilities operations and maintenance) shall be available for tribal contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs for distribution to other tribes, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter school's operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code.

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $71,343,000, of which: (1) $65,022,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $6,321,000 shall be available for salaries and expenses of the Office of Insular Affairs: *Provided,* That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the General Accounting Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: *Provided further,* That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: *Provided further,* That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: *Provided further,* That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure with territorial participation and cost sharing to be determined by the Secretary based on the grantee's commitment to timely maintenance of its capital assets: *Provided further,* That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For grants and necessary expenses, $6,125,000, as provided for in sections 221(a)(2), 221(b), and 233 of the Compact of Free Association for the Republic of Palau, section 103(h)(2) of the Compact of Free Association Act of 1985, and section 221(a)(2) of the Amended Compacts of Free Association for the Federated States of Micronesia and the Republic of the Marshall Islands, to remain available until expended.

For grants and necessary expenses as provided for in sections 211, 212, 213, and 218 of the Amended Compact of Free Association for the Republic of the Marshall Islands and as provided for in sections 211, 212, and 217 of the Amended Compact of Free Association for the Federated States of Micronesia, all sums that are or may be required in this and subsequent years are appropriated, to remain available until expended, and shall be drawn from the Treasury, to become available for obligation only upon enactment of proposed legislation to approve the amended Compacts of Free Association as identified in the President's fiscal year 2004 budget.

For grants and necessary expenses, $15,000,000, for impact of the Compacts on certain U.S. areas in this and subsequent years are appropriated, to remain available until expended, and shall be drawn from the Treasury, to become available for obligation only upon enactment of proposed legislation to approve the amended Compacts of Free Association as identified in the President's fiscal year 2004 budget: *Provided,* That for purposes of assistance as provided pursuant to this appropriation, the effective dates of the amended Compacts of Free Association shall be October 1, 2003.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, $78,433,000, of which not to exceed $8,500 may be for official reception and representation expenses, and of which up to $1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines.

WORKING CAPITAL FUND

For the acquisition of a departmental financial and business management system, $11,700,000, to remain available until expended: *Provided,* That from unobligated balances under this heading, $11,700,000 are hereby canceled.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901–6907), $230,000,000, of which not to exceed $400,000 shall be available for administrative expenses: *Provided,* That no payment shall be made to otherwise eligible units of local government if the computed amount of the payment is less than $100.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $50,179,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $37,474,000, of which $3,812,000 shall be for procurement by contract of independent auditing services to audit the consolidated Department of the Interior annual financial statement and the annual financial statement of the Department of the Interior bureaus and offices funded in this Act.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $219,641,000, of which $75,000,000 shall be available for historical accounting, to remain available until expended: *Provided,* That funds for trust management improvements and litigation support may, as needed, be transferred to or merged with the Bureau of Indian Affairs, ''Operation of Indian Programs'' account; the Office of the Solicitor, ''Salaries and Expenses'' account; and the

Departmental Management, ''Salaries and Expenses'' account: *Provided further,* That funds made available to Tribes and Tribal organizations through contracts or grants obligated during fiscal year 2004, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: *Provided further,* That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: *Provided further,* That notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of $1.00 or less: *Provided further,* That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder: *Provided further,* That not to exceed $50,000 is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002: *Provided further,* That erroneous payments that are recovered shall be credited to and remain available in this account for this purpose.

INDIAN LAND CONSOLIDATION

For consolidation of fractional interests in Indian lands and expenses associated with redetermining and redistributing escheated interests in allotted lands, and for necessary expenses to carry out the Indian Land Consolidation Act of 1983, as amended, by direct expenditure or cooperative agreement, $22,980,000, to remain available until expended.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment and restoration activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (Public Law 101–380) (33 U.S.C. 2701 et seq.), and Public Law 101–337, as amended (16 U.S.C. 19jj et seq.), $5,633,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: *Provided,* That existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: *Provided further,* That no programs funded with appropriated funds in the ''Departmental Management'', ''Office of the Solicitor'', and ''Office of Inspector General'' may be augmented through the Working Capital Fund.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided,* That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further,* That all funds used pursuant to this section are hereby designated by Congress to be ''emergency requirements'' pursuant to section 502 of H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004, and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99–198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided,* That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further,* That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for ''wildland fire operations'' shall be exhausted within 30 days: *Provided further,* That all funds used pursuant to this section are hereby designated by Congress to be ''emergency requirements'' pursuant to section 502 of H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004, and must be replenished by a supplemental appropriation which must be requested as promptly as possible: *Provided further,* That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: *Provided,* That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902 and D.C. Code 4–204).

SEC. 106. Annual appropriations made in this title shall be available for obligation in connection with contracts issued for services or rentals for periods not in excess of 12 months beginning at any time during the fiscal year.

SEC. 107. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore preleasing, leasing and related activities placed under restriction in the President's moratorium statement of June 12, 1998, in the areas of northern, central, and southern California; the North Atlantic; Washington and Oregon; and the eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 108. No funds provided in this title may be expended by the Department of the Interior to conduct offshore oil and natural gas preleasing, leasing and related activities in the eastern Gulf of Mexico planning area for any lands located outside Sale 181, as identified in the final Outer Continental Shelf 5-Year Oil and Gas Leasing Program, 1997–2002.

SEC. 109. No funds provided in this title may be expended by the Department of the Interior to conduct oil and natural gas preleasing, leasing and related activities in the Mid-Atlantic and South Atlantic planning areas.

SEC. 110. Notwithstanding any other provisions of law, the National Park Service shall not develop or implement a reduced entrance fee program to accommodate non-local travel through a unit. The Secretary may provide for and regulate local non-recreational passage through units of the National Park System, allowing each unit to develop guidelines and permits for such activity appropriate to that unit.

SEC. 111. Advance payments made under this title to Indian tribes, tribal organizations, and tribal consortia pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) may be invested by the Indian tribe, tribal organization, or consortium before such funds are expended for the purposes of the grant, compact, or annual funding agreement so long as such funds are—

(1) invested by the Indian tribe, tribal organization, or consortium only in obligations of the United States, or in obligations or securities that are guaranteed or insured by the United States, or mutual (or other) funds registered with the Securities and Exchange Commission and which only invest in obligations of the United States or securities that are guaranteed or insured by the United States; or

(2) deposited only into accounts that are insured by an agency or instrumentality of

the United States, or are fully collateralized to ensure protection of the funds, even in the event of a bank failure.

SEC. 112. Appropriations made in this Act under the headings Bureau of Indian Affairs and Office of Special Trustee for American Indians and any available unobligated balances from prior appropriations Acts made under the same headings, shall be available for expenditure or transfer for Indian trust management and reform activities.

SEC. 113. Notwithstanding any other provision of law, for the purpose of reducing the backlog of Indian probate cases in the Department of the Interior, the hearing requirements of chapter 10 of title 25, United States Code, are deemed satisfied by a proceeding conducted by an Indian probate judge, appointed by the Secretary without regard to the provisions of title 5, United States Code, governing the appointments in the competitive service, for such period of time as the Secretary determines necessary: *Provided*, That the basic pay of an Indian probate judge so appointed may be fixed by the Secretary without regard to the provisions of chapter 51, and subchapter III of chapter 53 of title 5, United States Code, governing the classification and pay of General Schedule employees, except that no such Indian probate judge may be paid at a level which exceeds the maximum rate payable for the highest grade of the General Schedule, including locality pay.

SEC. 114. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2004. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

SEC. 115. Funds appropriated for the Bureau of Indian Affairs for postsecondary schools for fiscal year 2004 shall be allocated among the schools proportionate to the unmet need of the schools as determined by the Postsecondary Funding Formula adopted by the Office of Indian Education Programs.

SEC. 116. (a) The Secretary of the Interior shall hereafter take such action as may be necessary to ensure that the lands comprising the Huron Cemetery in Kansas City, Kansas (as described in section 123 of Public Law 106–291) are used only in accordance with this section.

(b) The lands of the Huron Cemetery shall be used only: (1) for religious and cultural uses that are compatible with the use of the lands as a cemetery; and (2) as a burial ground.

SEC. 117. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104–134, as amended by Public Law 104–208, the Secretary may accept and retain land and other forms of reimbursement: *Provided*, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by Public Law 100–696; 16 U.S.C. 460zz.

SEC. 118. Notwithstanding other provisions of law, the National Park Service may authorize, through cooperative agreement, the Golden Gate National Parks Association to provide fee-based education, interpretive and visitor service functions within the Crissy Field and Fort Point areas of the Presidio.

SEC. 119. Notwithstanding 31 U.S.C. 3302(b), sums received by the Bureau of Land Management for the sale of seeds or seedlings including those collected in fiscal year 2003, may be credited to the appropriation from which funds were expended to acquire or grow the seeds or seedlings and are available without fiscal year limitation.

SEC. 120. Subject to the terms and conditions of section 126 of the Department of the Interior and Related Agencies Act, 2002, the Administrator of General Services shall sell all right, title, and interest of the United States in and to the improvements and equipment of the White River Oil Shale Mine.

SEC. 121. The Secretary of the Interior may use or contract for the use of helicopters or motor vehicles on the Sheldon and Hart National Wildlife Refuges for the purpose of capturing and transporting horses and burros. The provisions of subsection (a) of the Act of September 8, 1959 (18 U.S.C. 47(a)) shall not be applicable to such use. Such use shall be in accordance with humane procedures prescribed by the Secretary.

SEC. 122. Of the funds made available under the heading ''Bureau of Land Management, Land Acquisition'' in title I of the Department of the Interior and Related Agencies Appropriation Act, 2002 (115 Stat. 420), the Secretary of the Interior shall grant $500,000 to the City of St. George, Utah, for the purchase of the land as provided in the Virgin River Dinosaur Footprint Preserve Act (116 Stat. 2896), with any surplus funds available after the purchase to be available for the purpose of the preservation of the land and the paleontological resources on the land.

SEC. 123. Funds provided in this Act for Federal land acquisition by the National Park Service for the Ice Age National Scenic Trail may be used for a grant to a State, a local government, or any other governmental land management entity for the acquisition of lands without regard to any restriction on the use of Federal land acquisition funds provided through the Land and Water Conservation Fund Act of 1965 as amended.

SEC. 124. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 125. The Secretary of the Interior may use discretionary funds to pay private attorneys fees and costs for employees and former employees of the Department of the Interior reasonably incurred in connection with Cobell v. Norton to the extent that such fees and costs are not paid by the Department of Justice or by private insurance. In no case shall the Secretary make payments under this section that would result in payment of hourly fees in excess of the highest hourly rate approved by the District Court for the District of Columbia for counsel in Cobell v. Norton.

SEC. 126. The United States Fish and Wildlife Service shall, in carrying out its responsibilities to protect threatened and endangered species of salmon, implement a system of mass marking of salmonid stocks, intended for harvest, that are released from Federally operated or Federally financed hatcheries including but not limited to fish releases of coho, chinook, and steelhead species. Marked fish must have a visible mark that can be readily identified by commercial and recreational fishers.

SEC. 127. Section 134 of Public Law 107–63 (115 Stat. 442–443) is amended by striking the proviso thereto and inserting the following: ''*Provided*, That nothing in this section affects the decision of the United States Court of Appeals for the 10th Circuit in Sac and Fox Nation v. Norton, 240 F.3d 1250 (2001): *Provided further*, That nothing in this section permits the conduct of gaming under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) on land described in section 123 of Public Law 106–291 (114 Stat. 944–945), or land that is contiguous to that land, regardless of whether the land or contiguous land has been taken into trust by the Secretary of the Interior.''.

SEC. 128. No funds appropriated for the Department of the Interior by this Act or any other Act shall be used to study or implement any plan to drain Lake Powell or to reduce the water level of the lake below the range of water levels required for the operation of the Glen Canyon Dam.

SEC. 129. Notwithstanding the limitation in subparagraph (2)(B) of section 18(a) of the Indian Gaming Regulatory Act (25 U.S.C. 2717(a)), the total amount of all fees imposed by the National Indian Gaming Commission for fiscal year 2005 shall not exceed $12,000,000.

SEC. 130. None of the funds in this Act may be used to fund Cooperative Ecosystem Studies Units in the State of Alaska.

SEC. 131. The State of Utah's contribution requirement pursuant to Public Law 105–363 shall be deemed to have been satisfied and within thirty days of enactment of this Act, the Secretary of the Interior shall transfer to the State of Utah all right, title, and interest of the United States in and to the Wilcox Ranch lands acquired under section 2(b) of Public Law 105–363, for management by the Utah Division of Wildlife Resources for wildlife habitat and public access.

SEC. 132. Upon enactment of this Act, the Congaree Swamp National Monument shall be designated the Congaree National Park.

SEC. 133. The Secretary shall have no more than one hundred and eighty days from October 1, 2003, to prepare and submit to the Congress, in a manner otherwise consistent with the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.), plans for the use and distribution of the Mescalero Apache Tribe's Judgment Funds from Docket 92–403L, the Pueblo of Isleta's Judgment Funds from Docket 98–166L, and the Assiniboine and Sioux Tribes of the Fort Peck Reservation's Judgment Funds in Docket No. 773–87–L of the United States Court of Federal Claims; each plan shall become effective upon the expiration of a sixty day period beginning on the day each plan is submitted to the Congress.

SEC. 134. Notwithstanding any implementation of the Department of the Interior's trust reorganization plan within fiscal years 2003 or 2004, funds appropriated for fiscal year 2004 shall be available to the tribes within the California Tribal Trust Reform Consortium and to the Salt River Pima Maricopa Indian Community, the Confederated Salish-Kootenai Tribes of the Flathead Reservation and the Chippewa Cree Tribe of the Rocky Boys Reservation and the Bureau of Indian Affairs Regional offices that serve them, on the same basis as funds were distributed in fiscal year 2003. The Demonstration Project shall operate separate and apart from the Department of the Interior's trust reform reorganization, and the Department shall not impose its trust management infrastructure upon or alter the existing trust resource management systems of the California Trust Reform Consortium and any other participating tribe having a self-governance compact and operating in accordance with the Tribal Self-Governance Program set forth in 25 U.S.C. Sections 458aa–458hh.

TITLE II—RELATED AGENCIES
DEPARTMENT OF AGRICULTURE
FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $266,180,000, to remain available until expended.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, including treatments of pests, pathogens, and invasive or noxious plants, and for restoring and rehabilitating forests damaged by pests or invasive plants, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, $295,349,000, to remain available until expended, of which $84,716,000 is to be derived from the Land and Water Conservation Fund: *Provided,* That each forest legacy grant shall be for a specific project or set of specific tasks: *Provided further,* That grants for acquisition of lands or conservation easements shall require that the State demonstrates that 25 percent of the total value of the project is comprised of a non-Federal cost share: *Provided further,* That up to $2,000,000 may be used by the Secretary solely for: (1) rapid response to new introductions of non-native or invasive pests or pathogens in which no previous federal funding has been identified to address, or (2) for a limited number of instances in which any pest populations increase at over 150 percent of levels monitored for that species in the immediately preceding fiscal year and failure to suppress those popultions would lead to a 10-percent increase of annual forest or stand mortality over ambient mortality levels.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, $1,370,731,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 460l–6a(i)): *Provided,* That unobligated balances available at the start of fiscal year 2004 shall be displayed by budget line item in the fiscal year 2005 budget justification: *Provided further,* That the Secretary may authorize the expenditure or transfer of such sums as necessary to the Department of the Interior, Bureau of Land Management, for removal, preparation, and adoption of excess wild horses and burros, and for the performance of cadastral surveys to designate the boundaries of such lands from National Forest System lands: *Provided further,* That of the funds provided under this heading for Forest Products, $5,000,000 shall be allocated to the Alaska Region, in addition to its normal allocation for the purposes of preparing additional timber for sale, to establish a 3-year timber supply and such funds may be transferred to other appropriations accounts as necessary to maximize accomplishment: *Provided further,* That of the funds provided under this heading, $3,150,000 is for expenses required to implement title I of Public Law 106–248, to be segregated in a separate fund established by the Secretary of Agriculture: *Provided further,* That within funds available for the purpose of implementing the Valles Caldera Preservation Act, notwithstanding the limitations of section 107(e)(2) of the Valles Caldera Preservation Act (Public Law 106–248), for fiscal year 2004, the Chair of the Board of Trustees of the Valles Caldera Trust may receive, upon request, compensation for each day (including travel time) that the Chair is engaged in the performance of the functions of the Board, except that compensation shall not exceed the daily equivalent of the annual rate in effect for members of the Senior Executive Service at the ES–1 level, and shall be in addition to any reimbursement for travel, subsistence and other necessary expenses incurred by the Chair in the performance of the Chair's duties.

For an additional amount to reimbuse the Judgment Fund as required by 41 U.S.C. 612(c) for judgment liabilities previously incurred, $188,405,000.

WILDLAND FIRE MANAGEMENT

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuels reduction on or adjacent to such lands, and for emergency rehabilitation of burned-over National Forest System lands and water, $1,543,072,000, to remain available until expended: *Provided,* That such funds including unobligated balances under this head, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: *Provided further,* That not less than 50 percent of any unobligated balances remaining (exclusive of amounts for hazardous fuels reduction) at the end of fiscal year 2003 shall be transferred, as repayment for past advances that have not been repaid, to the fund established pursuant to section 3 of Public Law 71–319 (16 U.S.C. 576 et seq.): *Provided further,* That notwithstanding any other provision of law, $8,000,000 of funds appropriated under this appropriation shall be used for Fire Science Research in support of the Joint Fire Science Program: *Provided further,* That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research: *Provided further,* That funds provided shall be available for emergency rehabilitation and restoration, hazardous fuels reduction activities in the urban-wildland interface, support to Federal emergency response, and wildfire suppression activities of the Forest Service: *Provided further,* That of the funds provided, $231,392,000 is for hazardous fuels reduction activities, $21,427,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, as amended (16 U.S.C. 1641 et seq.), $47,752,000 is for State fire assistance, $8,240,000 is for volunteer fire assistance, and $11,934,000 is for forest health activities on State, private, and Federal lands: *Provided further,* That amounts in this paragraph may be transferred to the ''State and Private Forestry'', ''National Forest System'', and ''Forest and Rangeland Research'' accounts to fund State fire assistance, volunteer fire assistance, forest health management, forest and rangeland research, vegetation and watershed management, heritage site rehabilitation, wildlife and fish habitat management, and restoration: *Provided further,* That transfers of any amounts in excess of those authorized in this paragraph shall require approval of the House and Senate Committees on Appropriations in compliance with reprogramming procedures contained in House Report No. 105–163: *Provided further,* That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further,* That in addition to funds provided for State Fire Assistance programs, and subject to all authorities available to the Forest Service under the State and Private Forestry Appropriations, up to $15,000,000 may be used on adjacent non-Federal lands for the purpose of protecting communities when hazard reduction activities are planned on national forest lands that have the potential to place such communities at risk: *Provided further,* That included in funding for hazardous fuel reduction is $5,000,000 for implementing the Community Forest Restoration Act, Public Law 106–393, title VI, and any portion of such funds shall be available for use on non-Federal lands in accordance with authorities available to the Forest Service under the State and Private Forestry Appropriation: *Provided further,* That in using the funds provided in this Act for hazardous fuels reduction activities, the Secretary of Agriculture may conduct fuel reduction treatments on Federal lands using all contracting and hiring authorities available to the Secretary applicable to hazardous fuel reduction activities under the wildland fire management accounts: *Provided further,* That notwithstanding Federal Government procurement and contracting laws, the Secretaries may conduct fuel reduction treatments, rehabilitation and restoration, and other activities authorized under this heading on and adjacent to Federal lands using grants and cooperative agreements: *Provided further,* That notwithstanding Federal Government procurement and contracting laws, in order to provide employment and training opportunities to people in rural communities, the Secretaries may award contracts, including contracts for monitoring activities, to local private, non-profit, or cooperative entities; Youth Conservation Corps crews or related partnerships, with State, local and non-profit youth groups; small or micro-businesses; or other entities that will hire or train a significant percentage of local people to complete such contracts: *Provided further,* That the authorities described above relating to contracts, grants, and cooperative agreements are available until all funds provided in this title for hazardous fuels reduction activities in the urban wildland interface are obligated: *Provided further,* That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $12,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects.

CAPITAL IMPROVEMENT AND MAINTENANCE

For necessary expenses of the Forest Service, not otherwise provided for, $532,406,000, to remain available until expended for construction, reconstruction, maintenance and acquisition of buildings and other facilities, and for construction, reconstruction, repair and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: *Provided,* That up to $15,000,000 of the funds provided herein for road maintenance shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: *Provided further,* That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with

statutory authority applicable to the Forest Service, $77,040,000, to be derived from the Land and Water Conservation Fund and to remain available until expended: *Provided*, That notwithstanding any limitations of the Land and Water Conservation Fund Act (16 U.S.C. 460l–9), the Secretary of Agriculture is henceforth authorized to utilize any funds appropriated from the Land and Water Conservation Fund to acquire Mental Health Trust lands in Alaska and, upon Federal acquisition, the boundaries of the Tongass National Forest shall be deemed modified to include such lands.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,069,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities, and for authorized expenditures from funds deposited by non-federal parties pursuant to Land Sale and Exchange Acts, pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $92,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

For necessary expenses of the Forest Service to manage federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96–487), $5,535,000, to remain available until expended, of which not to exceed $100,000 per annum may be used to reimburse the Office of General Counsel, Department of Agriculture, for salaries and related expenses incurred in providing legal services in relation to subsistence management.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of not to exceed 124 passenger motor vehicles of which 21 will be used primarily for law enforcement purposes and of which 124 shall be for replacement; acquisition of 25 passenger motor vehicles from excess sources, and hire of such vehicles; operation and maintenance of aircraft to maintain the operable fleet at 195 aircraft for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to abolish any region, to move or close any regional office for National Forest System administration of the Forest Service, Department of Agriculture without the consent of the House and Senate Committees on Appropriations.

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions if and only if all previously appropriated emergency contingent funds under the heading ''Wildland Fire Management'' have been released by the President and apportioned and all wildfire suppression funds under the heading ''Wildland Fire Management'' are obligated.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Foreign Agricultural Service in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report No. 105–163.

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the procedures contained in House Report No. 105–163.

No funds available to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture that exceed the total amount transferred during fiscal year 2000 for such purposes without the advance approval of the House and Senate Committees on Appropriations.

Funds available to the Forest Service shall be available to conduct a program of not less than $2,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps.

Of the funds available to the Forest Service, $2,500 is available to the Chief of the Forest Service for official reception and representation expenses.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, up to $3,000,000 may be advanced in a lump sum as Federal financial assistance to the National Forest Foundation, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That of the Federal funds made available to the Foundation, no more than $400,000 shall be available for administrative expenses: *Provided further*, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: *Provided further*, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: *Provided further*, That authorized investments of Federal funds held by the Foundation may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 98–244, $2,650,000 of the funds available to the Forest Service shall be available for matching funds to the National Fish and Wildlife Foundation, as authorized by 16 U.S.C. 3701–3709, and may be advanced in a lump sum, without regard to when expenses are incurred, for projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That the Foundation shall obtain private contributions to match on at least one-for-one basis funds advanced by the Forest Service: *Provided further*, That the Foundation may transfer Federal funds to a Federal or non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

Notwithstanding any other provision of law, 80 percent of the funds appropriated to the Forest Service in the ''National Forest System'' and ''Capital Improvement and Maintenance'' accounts and planned to be allocated to activities under the ''Jobs in the Woods'' program for projects on National Forest land in the State of Washington may be granted directly to the Washington State Department of Fish and Wildlife for accomplishment of planned projects. Twenty percent of said funds shall be retained by the Forest Service for planning and administering projects. Project selection and prioritization shall be accomplished by the Forest Service with such consultation with the State of Washington as the Forest Service deems appropriate.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to sections 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–663.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service not to exceed $500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar non-litigation related matters. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the requested funding transfers.

Any appropriations or funds available to the Forest Service may be used for necessary expenses in the event of law enforcement emergencies as necessary to protect natural

resources and public or employee safety: *Provided,* That such amounts shall not exceed $1,000,000.

From funds available to the Forest Service in this Act for payment of costs in accordance with subsection 413(d) of Title IV, Public Law 108–7, $3,000,000 shall be transferred by the Secretary of Agriculture to the Secretary of the Treasury to make reimbursement payments as provided in such subsection.

The Secretary of Agriculture may authorize the sale of excess buildings, facilities, and other properties owned by the Forest Service and located on the Green Mountain National Forest, the revenues of which shall be retained by the Forest Service and available to the Secretary without further appropriation and until expended for maintenance and rehabilitation activities on the Green Mountain National Forest.

The Secretary of Agriculture may transfer or reimburse funds available to the Forest Service, not to exceed $15,000,000, to the Secretary of the Interior or the Secretary of Commerce to expedite conferencing and consultations as required under section 7 of the Endangered Species Act, 16 U.S.C. 1536. The amount of the transfer or reimbursement shall be as mutually agreed by the Secretary of Agriculture and the Secretary of the Interior or Secretary of Commerce, as applicable, or their designees. The amount shall in no case exceed the actual costs of consultation and conferencing.

Beginning on June 30, 2001 and concluding on December 31, 2004, an eligible individual who is employed in any project funded under Title V of the Older American Act of 1965 (42 U.S.C. 3056 et seq.) and administered by the Forest Service shall be considered to be a Federal employee for purposes of chapter 171 of title 28, United States Code.

Any funds appropriated to the Forest Service may be used to meet the non-Federal share requirement in section 502(c) of the Older American Act of 1965 (42 U.S.C. 3056(c)(2)).

None of the funds made available in this or any other Act may be used by the Forest Service to initiate or continue competitive sourcing studies until such time as the House and Senate Committees on Appropriations have been given a detailed competitive sourcing proposal (including the number of positions to be studied, the amount of funding needed, and the accounts and activities from which the funding will be reprogrammed), and have approved in writing such proposal.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

(DEFERRAL)

Of the funds made available under this heading for obligation in prior years, $97,000,000 shall not be available until October 1, 2004: *Provided,* That funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected: *Provided further,* That within 30 days of enactment of this Act, the Secretary is directed to provide the House Committee on Appropriations and the Senate Committee on Appropriations with a plan detailing the proposed expenditure of un-obligated or de-obligated funds from terminated Clean Coal Technology projects in support of the FutureGen project.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), $593,514,000, to remain available until expended, of which $4,000,000 is to continue a multi-year project for construction, renovation, furnishing, and demolition or removal of buildings at National Energy Technology Laboratory facilities in Morgantown, West Virginia and Pittsburgh, Pennsylvania; of which not to exceed $536,000 may be utilized for travel and travel-related expenses incurred by the headquarters staff of the Office of Fossil Energy; and of which $130,000,000 are to be made available, after coordination with the private sector, for a request for proposals for a Clean Coal Power Initiative providing for competitively-awarded research, development, and demonstration projects to reduce the barriers to continued and expanded coal use: *Provided,* That no project may be selected for which sufficient funding is not available to provide for the total project: *Provided further,* That funds shall be expended in accordance with the provisions governing the use of funds contained under the heading ''Clean Coal Technology'' in 42 U.S.C. 5903d: *Provided further,* That the Department may include provisions for repayment of Government contributions to individual projects in an amount up to the Government contribution to the project on terms and conditions that are acceptable to the Department including repayments from sale and licensing of technologies from both domestic and foreign transactions: *Provided further,* That such repayments shall be retained by the Department for future coal-related research, development and demonstration projects: *Provided further,* That any technology selected under this program shall be considered a Clean Coal Technology, and any project selected under this program shall be considered a Clean Coal Technology Project, for the purposes of 42 U.S.C. 7651n, and Chapters 51, 52, and 60 of title 40 of the Code of Federal Regulations: *Provided further,* That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas: *Provided further,* That up to 4 percent of program direction funds available to the National Energy Technology Laboratory may be used to support Department of Energy activities not included in this account.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out naval petroleum and oil shale reserve activities, $17,947,000, to remain available until expended: *Provided,* That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

ELK HILLS SCHOOL LANDS FUND

For necessary expenses in fulfilling installment payments under the Settlement Agreement entered into by the United States and the State of California on October 11, 1996, as authorized by section 3415 of Public Law 104–106, $36,000,000, to become available on October 1, 2004 for payment to the State of California for the State Teachers' Retirement Fund from the Elk Hills School Lands Fund.

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, $861,645,000, to remain available until expended: *Provided,* That $274,000,000 shall be for use in energy conservation grant programs as defined in section 3008(3) of Public Law 99–509 (15 U.S.C. 4507): *Provided further,* That notwithstanding section 3003(d)(2) of Public Law 99–509, such sums shall be allocated to the eligible programs as follows: $230,000,000 for weatherization assistance grants and $44,000,000 for State energy program grants.

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Office of Hearings and Appeals, $1,047,000, to remain available until expended.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $173,081,000, to remain available until expended.

NORTHEAST HOME HEATING OIL RESERVE

For necessary expenses for Northeast Home Heating Oil Reserve storage, operations, and management activities pursuant to the Energy Policy and Conservation Act of 2000, $5,000,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $80,111,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private or foreign: *Provided,* That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: *Provided further,* That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: *Provided further,* That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

No funds provided in this Act may be expended by the Department of Energy to prepare, issue, or process procurement documents for programs or projects for which appropriations have not been made.

In addition to other authorities set forth in this Act, the Secretary may accept fees and contributions from public and private sources, to be deposited in a contributed funds account, and prosecute projects using such fees and contributions in cooperation with other Federal, State or private agencies or concerns.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $2,546,524,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: *Provided,* That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further,* That up to $18,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: *Provided further,* That $472,022,000 for contract medical care shall remain available for obligation until September 30, 2005: *Provided further,* That of the funds provided, up to $27,000,000 to remain available until expended, shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act: *Provided further,* That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: *Provided further,* That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): *Provided further,* That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available until expended: *Provided further,* That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: *Provided further,* That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed $268,974,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2004, of which not to exceed $2,500,000 may be used for contract support costs associated with new or expanded self-determination contracts, grants, self-governance compacts or annual funding agreements: *Provided further,* That funds available for the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account: *Provided further,* That of the amounts provided to the Indian Health Service, $15,000,000 is provided for alcohol control, enforcement, prevention, treatment, sobriety and wellness, and education in Alaska to be distributed as direct lump sum payments as follows: (a) $2,000,000 to the State of Alaska for regional distribution to hire and equip additional Village Public Safety Officers to engage primarily in bootlegging prevention and enforcement activities; (b) $10,000,000 to the Alaska Native Tribal Health Consortium, which shall be allocated for (1) substance abuse treatment including residential treatment, (2) substance abuse and behavioral health counselors through the Counselor in Every Village program, and (3) comprehensive substance abuse training programs for counselors and others delivering substance abuse services; (c) $1,000,000 to the State of Alaska for a school peer counseling and education program; and (d) $2,000,000 for the Alaska Federation of Natives sobriety and wellness program for competitive merit-based grants: *Provided further,* That none of the funds may be used for tribal courts or tribal ordinance programs or any program that is not directly related to alcohol control, enforcement, prevention, treatment, or sobriety: *Provided further,* That no more than 10 percent may be used by any entity receiving funding for administrative overhead including indirect costs: *Provided further,* That the State of Alaska, Alaska Native non-profit corporations, and the Alaska Native Tribal Health Consortium must each maintain its existing level of effort and must use these funds to enhance or expand existing efforts or initiate new projects or programs and may not use such funds to supplant existing programs.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $391,188,000, to remain available until expended: *Provided,* That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: *Provided further,* That from the funds appropriated herein, $5,043,000 shall be designated by the Indian Health Service as a contribution to the Yukon-Kuskokwim Health Corporation (YKHC) to complete a priority project for the acquisition of land, planning, design and construction of 79 staff quarters in the Bethel service area, pursuant to the negotiated project agreement between the YKHC and the Indian Health Service: *Provided further,* That this project shall not be subject to the construction provisions of the Indian Self-Determination and Education Assistance Act and shall be removed from the Indian Health Service priority list upon completion: *Provided further,* That the Federal Government shall not be liable for any property damages or other construction claims that may arise from YKHC undertaking this project: *Provided further,* That the land shall be owned or leased by the YKHC and title to quarters shall remain vested with the YKHC: *Provided further,* That not to exceed $500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: *Provided further,* That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the United States Department of Housing and Urban Development: *Provided further,* That not to exceed $1,000,000 from this account and the ''Indian Health Services'' account shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: *Provided further,* That not to exceed $500,000 shall be placed in a Demolition Fund and remain available until expended, to be used by the Indian Health Service for demolition of Federal buildings.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE±

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefor as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

In accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation. Notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121 (the Indian Sanitation Facilities Act) and Public Law 93–638, as amended.

Funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation.

Notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title III of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract

under title I, or a self-governance agreement under title III of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation.

None of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law.

With respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment. The reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account which provided the funding. Such amounts shall remain available until expended.

Reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance.

The appropriation structure for the Indian Health Service may not be altered without the advance approval of the House and Senate Committees on Appropriations.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $13,532,000, to remain available until expended: *Provided,* That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: *Provided further,* That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further,* That no relocatee will be provided with more than one new or replacement home: *Provided further,* That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498, as amended (20 U.S.C. 56 part A), $6,250,000, of which $1,000,000 shall remain available until expended to assist with the Institute's efforts to develop a Continuing Education Lifelong Learning Center.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed 30 years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to five replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees, $487,989,000, of which not to exceed $46,903,000 for the instrumentation program, collections acquisition, exhibition reinstallation, the National Museum of the American Indian, and the repatriation of skeletal remains program shall remain available until expended; and of which $828,000 for fellowships and scholarly awards shall remain available until September 30, 2005; and including such funds as may be necessary to support American overseas research centers and a total of $125,000 for the Council of American Overseas Research Centers: *Provided,* That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations: *Provided further,* That the Smithsonian Institution may expend Federal appropriations designated in this Act for lease or rent payments for long term and swing space, as rent payable to the Smithsonian Institution, and such rent payments may be deposited into the general trust funds of the Institution to the extent that federally supported activities are housed in the 900 H Street, N.W. building in the District of Columbia: *Provided further,* That this use of Federal appropriations shall not be construed as debt service, a Federal guarantee of, a transfer of risk to, or an obligation of, the Federal Government: *Provided further,* That no appropriated funds may be used to service debt which is incurred to finance the costs of acquiring the 900 H Street building or of planning, designing, and constructing improvements to such building.

FACILITIES CAPITAL

For necessary expenses of maintenance, repair, revitalization, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), and for construction, including necessary personnel, $89,970,000, to remain available until expended, of which not to exceed $10,000 is for services as authorized by 5 U.S.C. 3109: *Provided,* That contracts awarded for environmental systems, protection systems, and repair or restoration of facilities of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price: *Provided further,* That balances from amounts previously appropriated under the headings ''Repair, Restoration and Alteration of Facilities'' and ''Construction'' shall be transferred to and merged with this appropriation and shall remain available until expended.

ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION

None of the funds in this or any other Act may be used to make any changes to the existing Smithsonian science programs including closure of facilities, relocation of staff or redirection of functions and programs without approval from the Board of Regents of recommendations received from the Science Commission.

None of the funds in this or any other Act may be used to initiate the design for any proposed expansion of current space or new facility without consultation with the House and Senate Appropriations Committees.

None of the funds in this or any other Act may be used for the Holt House located at the National Zoological Park in Washington, D.C., unless identified as repairs to minimize water damage, monitor structure movement, or provide interim structural support.

None of the funds available to the Smithsonian may be reprogrammed without the advance written approval of the House and Senate Committees on Appropriations in accordance with the procedures contained in House Report No. 105–163.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $85,650,000, of which not to exceed $3,026,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $11,600,000, to remain available until expended: *Provided,* That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $16,560,000.

CONSTRUCTION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $16,000,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial

Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $8,604,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $117,480,000, shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to organizations and individuals pursuant to sections 5(c) and 5(g) of the Act, including $17,000,000 for support of arts education and public outreach activities through the Challenge America program, for program support, and for administering the functions of the Act, to remain available until expended: *Provided,* That funds previously appropriated to the National Endowment for the Arts ''Matching Grants'' account and ''Challenge America'' account may be transferred to and merged with this account.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $125,878,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $16,122,000, to remain available until expended, of which $10,436,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided,* That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided,* That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: *Provided further,* That funds from nonappropriated sources may be used as necessary for official reception and representation expenses: *Provided further,* That the Chairperson of the National Endowment for the Arts may approve grants up to $10,000, if in the aggregate this amount does not exceed 5 percent of the sums appropriated for grant-making purposes per year: *Provided further,* That such small grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $1,422,000: *Provided,* That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956(a)), as amended, $6,000,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665, as amended), $4,000,000: *Provided,* That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, $8,030,000: *Provided,* That for fiscal year 2004 and thereafter, all appointed members of the Commission will be compensated at a rate not to exceed the daily equivalent of the annual rate of pay for positions at level IV of the Executive Schedule for each day such member is engaged in the actual performance of duties.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106–292 (36 U.S.C. 2301–2310), $39,997,000, of which $1,900,000 for the museum's repair and rehabilitation program and $1,264,000 for the museum's exhibitions program shall remain available until expended.

PRESIDIO TRUST

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, $20,700,000 shall be available to the Presidio Trust, to remain available until expended.

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

SEC. 302. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 303. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 304. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 305. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such committees.

SEC. 306. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (Sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2003.

SEC. 307. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2004, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 308. Notwithstanding any other provision of law, amounts appropriated to or earmarked in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103–138, 103–332, 104–134, 104–208, 105–83, 105–277, 106–113, 106–291, and 107–63, for payments to tribes and tribal organizations for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2003 for such purposes, except that, for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, self-governance compacts or annual funding agreements.

SEC. 309. Of the funds provided to the National Endowment for the Arts—

(1) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

(2) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a

State or local arts agency, or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(3) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs and/or projects.

SEC. 310. The National Endowment for the Arts and the National Endowment for the Humanities are authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such in furtherance of the functions of the National Endowment for the Arts and the National Endowment for the Humanities. Any proceeds from such gifts, bequests, or devises, after acceptance by the National Endowment for the Arts or the National Endowment for the Humanities, shall be paid by the donor or the representative of the donor to the Chairman. The Chairman shall enter the proceeds in a special interest-bearing account to the credit of the appropriate endowment for the purposes specified in each case.

SEC. 311. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

(1) The term ''underserved population'' means a population of individuals, including urban minorities, who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

(2) The term ''poverty line'' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) (applicable to a family of the size involved.

(c) In providing services and awarding financial assistance under the National Foundation on the Arts and Humanities Act of 1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965—

(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and

(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

SEC. 312. No part of any appropriation contained in this Act shall be expended or obligated to complete and issue the 5-year program under the Forest and Rangeland Renewable Resources Planning Act.

SEC. 313. None of the funds in this Act may be used to support Government-wide administrative functions unless such functions are justified in the budget process and funding is approved by the House and Senate Committees on Appropriations.

SEC. 314. Notwithstanding any other provision of law, none of the funds in this Act may be used for GSA Telecommunication Centers.

SEC. 315. Notwithstanding any other provision of law, for fiscal year 2004 the Secretaries of Agriculture and the Interior are authorized to limit competition for watershed restoration project contracts as part of the ''Jobs in the Woods'' Program established in Region 10 of the Forest Service to individuals and entities in historically timber-dependent areas in the States of Washington, Oregon, northern California, Idaho, Montana, and Alaska that have been affected by reduced timber harvesting on Federal lands. The Secretaries shall consider the benefits to the local economy in evaluating bids and designing procurements which create economic opportunities for local contractors.

SEC. 316. Amounts deposited during fiscal year 2003 in the roads and trails fund provided for in the 14th paragraph under the heading ''FOREST SERVICE'' of the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall be used by the Secretary of Agriculture, without regard to the State in which the amounts were derived, to repair or reconstruct roads, bridges, and trails on National Forest System lands or to carry out and administer projects to improve forest health conditions, which may include the repair or reconstruction of roads, bridges, and trails on National Forest System lands in the wildland-community interface where there is an abnormally high risk of fire. The projects shall emphasize reducing risks to human safety and public health and property and enhancing ecological functions, long-term forest productivity, and biological integrity. The projects may be completed in a subsequent fiscal year. Funds shall not be expended under this section to replace funds which would otherwise appropriately be expended from the timber salvage sale fund. Nothing in this section shall be construed to exempt any project from any environmental law.

SEC. 317. Other than in emergency situations, none of the funds in this Act may be used to operate telephone answering machines during core business hours unless such answering machines include an option that enables callers to reach promptly an individual on-duty with the agency being contacted.

SEC. 318. No timber sale in Region 10 shall be advertised if the indicated rate is deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar. Program accomplishments shall be based on volume sold. Should Region 10 sell, in fiscal year 2003, the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan in sales which are not deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar, all of the western redcedar timber from those sales which is surplus to the needs of domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States at prevailing domestic prices. Should Region 10 sell, in fiscal year 2003, less than the annual average portion of the decadal allowable sale quantity called for in the Tongass Land Management Plan in sales which are not deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar, the volume of western redcedar timber available to domestic processors at prevailing domestic prices in the contiguous 48 United States shall be that volume: (i) which is surplus to the needs of domestic processors in Alaska, and (ii) is that percent of the surplus western redcedar volume determined by calculating the ratio of the total timber volume which has been sold on the Tongass to the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan. The percentage shall be calculated by Region 10 on a rolling basis as each sale is sold (for purposes of this amendment, a ''rolling basis'' shall mean that the determination of how much western redcedar is eligible for sale to various markets shall be made at the time each sale is awarded). Western redcedar shall be deemed ''surplus to the needs of domestic processors in Alaska'' when the timber sale holder has presented to the Forest Service documentation of the inability to sell western redcedar logs from a given sale to domestic Alaska processors at a price equal to or greater than the log selling value stated in the contract. All additional western redcedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

SEC. 319. A project undertaken by the Forest Service under the Recreation Fee Demonstration Program as authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1996, as amended, shall not result in—

(1) displacement of the holder of an authorization to provide commercial recreation services on Federal lands. Prior to initiating any project, the Secretary shall consult with potentially affected holders to determine what impacts the project may have on the holders. Any modifications to the authorization shall be made within the terms and conditions of the authorization and authorities of the impacted agency;

(2) the return of a commercial recreation service to the Secretary for operation when such services have been provided in the past by a private sector provider, except when—

(A) the private sector provider fails to bid on such opportunities;

(B) the private sector provider terminates its relationship with the agency; or

(C) the agency revokes the permit for noncompliance with the terms and conditions of the authorization.

In such cases, the agency may use the Recreation Fee Demonstration Program to provide for operations until a subsequent operator can be found through the offering of a new prospectus.

SEC. 320. Prior to October 1, 2004, the Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: *Provided,* That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction

may order completion of the plan on an accelerated basis.

SEC. 321. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

SEC. 322. Employees of the foundations established by Acts of Congress to solicit private sector funds on behalf of Federal land management agencies shall, in fiscal year 2005, qualify for General Service Administration contract airfares.

SEC. 323. In entering into agreements with foreign countries pursuant to the Wildfire Suppression Assistance Act (42 U.S.C. 1856m) the Secretary of Agriculture and the Secretary of the Interior are authorized to enter into reciprocal agreements in which the individuals furnished under said agreements to provide wildfire services are considered, for purposes of tort liability, employees of the country receiving said services when the individuals are engaged in fire suppression: *Provided*, That the Secretary of Agriculture or the Secretary of the Interior shall not enter into any agreement under this provision unless the foreign country (either directly or through its fire organization) agrees to assume any and all liability for the acts or omissions of American firefighters engaged in firefighting in a foreign country: *Provided further*, That when an agreement is reached for furnishing fire fighting services, the only remedies for acts or omissions committed while fighting fires shall be those provided under the laws of the host country, and those remedies shall be the exclusive remedies for any claim arising out of fighting fires in a foreign country: *Provided further*, That neither the sending country nor any legal organization associated with the firefighter shall be subject to any legal action whatsoever pertaining to or arising out of the firefighter's role in fire suppression.

SEC. 324. A grazing permit or lease issued by the Secretary of the Interior or a grazing permit issued by the Secretary of Agriculture where National Forest System lands are involved that expires, is transferred, or waived during fiscal year 2004 shall be renewed under section 402 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1752), section 19 of the Granger-Thye Act, as amended (16 U.S.C. 580l), title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010 et seq.), or, if applicable, section 510 of the California Desert Protection Act (16 U.S.C. 410aaa–50). The terms and conditions contained in the expired, transferred, or waived permit or lease shall continue in effect under the renewed permit or lease until such time as the Secretary of the Interior or Secretary of Agriculture as appropriate completes processing of such permit or lease in compliance with all applicable laws and regulations, at which time such permit or lease may be canceled, suspended or modified, in whole or in part, to meet the requirements of such applicable laws and regulations. Nothing in this section shall be deemed to alter the statutory authority of the Secretary of the Interior or the Secretary of Agriculture: *Provided*, That where National Forest System lands are involved and the Secretary of Agriculture has renewed an expired or waived grazing permit prior to or during fiscal year 2004, the terms and conditions of the renewed grazing permit shall remain in effect until such time as the Secretary of Agriculture completes processing of the renewed permit in compliance with all applicable laws and regulations or until the expiration of the renewed permit, whichever comes first. Upon completion of the processing, the permit may be canceled, suspended or modified, in whole or in part, to meet the requirements of applicable laws and regulations. Nothing in this section shall be deemed to alter the Secretary of Agriculture's statutory authority.

SEC. 325. Notwithstanding any other provision of law or regulation, to promote the more efficient use of the health care funding allocation for fiscal year 2004, the Eagle Butte Service Unit of the Indian Health Service, at the request of the Cheyenne River Sioux Tribe, may pay base salary rates to health professionals up to the highest grade and step available to a physician, pharmacist, or other health professional and may pay a recruitment or retention bonus of up to 25 percent above the base pay rate.

SEC. 326. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 327. None of the funds made available in this Act may be used for the planning, design, or construction of improvements to Pennsylvania Avenue in front of the White House without the advance approval of the Committees on Appropriations.

SEC. 328. In awarding a Federal Contract with funds made available by this Act, the Secretary of Agriculture and the Secretary of the Interior (the ''Secretaries'') may, in evaluating bids and proposals, give consideration to local contractors who are from, and who provide employment and training for, dislocated and displaced workers in an economically disadvantaged rural community, including those historically timber-dependent areas that have been affected by reduced timber harvesting on Federal lands and other forest-dependent rural communities isolated from significant alternative employment opportunities: *Provided*, That the Secretaries may award grants or cooperative agreements to local non-profit entities, Youth Conservation Corps or related partnerships with State, local or non-profit youth groups, or small or disadvantaged business: *Provided further*, That the contract, grant, or cooperative agreement is for forest hazardous fuels reduction, watershed or water quality monitoring or restoration, wildlife or fish population monitoring, or habitat restoration or management: *Provided further*, That the terms ''rural community'' and ''economically disadvantaged'' shall have the same meanings as in section 2374 of Public Law 101–624: *Provided further*, That the Secretaries shall develop guidance to implement this section: *Provided further*, That nothing in this section shall be construed as relieving the Secretaries of any duty under applicable procurement laws, except as provided in this section.

SEC. 329. LOCAL EXEMPTIONS FROM FOREST SERVICE DEMONSTRATION PROGRAM FEES. Section 6906 of Title 31, United States Code, is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''Necessary''; and

(2) by adding at the end the following:

''(b) LOCAL EXEMPTIONS FROM DEMONSTRATION PROGRAM FEES.—

''(1) IN GENERAL.—Each unit of general local government that lies in whole or in part within the White Mountain National Forest and persons residing within the boundaries of that unit of general local government shall be exempt during that fiscal year from any requirement to pay a Demonstration Program Fee (parking permit or passport) imposed by the Secretary of Agriculture for access to the Forest.

''(2) ADMINISTRATION.—The Secretary of Agriculture shall establish a method of identifying persons who are exempt from paying user fees under paragraph (1). This method may include valid form of identification including a drivers license.''.

SEC. 330. IMPLEMENTATION OF GALLATIN LAND CONSOLIDATION ACT OF 1998. (a) DEFINITIONS.—For purposes of this section:

(1) ''Gallatin Land Consolidation Act of 1998'' means Public Law 105–267 (112 Stat. 2371).

(2) ''Option Agreement'' has the same meaning as defined in section 3(6) of the Gallatin Land Consolidation Act of 1998.

(3) ''Secretary'' means the Secretary of Agriculture.

(4) ''Excess receipts'' means National Forest Fund receipts from the National Forests in Montana, which are identified and adjusted by the Forest Service within the fiscal year, and which are in excess of funds retained for: the Salvage Sale Fund; the Knutson-Vandenberg Fund; the Purchaser Road/Specified Road Credits; the Twenty-Five Percent Fund, as amended; the Ten Percent Road and Trail Fund; the Timber Sale Pipeline Restoration Fund; the Fifty Percent Grazing Class A Receipts Fund; and the Land and Water Conservation Fund Recreation User Fees Receipts—Class A Fund.

(5) ''Special Account'' means the special account referenced in section 4(c)(2) of the Gallatin Land Consolidation Act of 1998.

(6) ''Eastside National Forests'' has the same meaning as in section 3(4) of the Gallatin Land Consolidation Act of 1998.

(b) SPECIAL ACCOUNT.—

(1) The Secretary is authorized and directed, without further appropriation or reprogramming of funds, to transfer to the Special Account these enumerated funds and receipts in the following order:

(A) timber sale receipts from the Gallatin National Forest and other Eastside National Forests, as such receipts are referenced in section 4(a)(2)(C) of the Gallatin Land Consolidation Act of 1998;

(B) any available funds heretofore appropriated for the acquisition of lands for National Forest purposes in the State of Montana through fiscal year 2003;

(C) net receipts from the conveyance of lands on the Gallatin National Forest as authorized by subsection (c); and,

(D) excess receipts for fiscal years 2003 through 2008.

(2) All funds in the Special Account shall be available to the Secretary until expended, without further appropriation, and will be expended prior to the end of fiscal year 2008 for the following purposes:

(A) the completion of the land acquisitions authorized by the Gallatin Land Consolidation Act of 1998 and fulfillment of the Option Agreement, as may be amended from time to time; and,

(B) the acquisition of lands for which acquisition funds were transferred to the Special Account pursuant to subsection (b)(1)(B).

(3) The Special Account shall be closed at the end of fiscal year 2008 and any monies remaining in the Special Account shall be transferred to the fund established under Public Law 90–171 (commonly known as the ''Sisk Act'', 16 U.S.C. §484a) to remain available, until expended, for the acquisition of lands for National Forest purposes in the State of Montana.

(4) Funds deposited in the Special Account or eligible for deposit shall not be subject to transfer or reprogramming for wildland fire management or any other emergency purposes.

(c) LAND CONVEYANCES WITHIN THE GALLATIN NATIONAL FOREST.—

(1) CONVEYANCE AUTHORITY.—The Secretary is authorized, under such terms and conditions as the Secretary may prescribe and without requirements for further administrative or environmental analyses or examination, to sell or exchange any or all rights, title, and interests of the United States in the following lands within the Gallatin National Forest in the State of Montana:

(A) SMC East Boulder Mine Portal Tract: Principal Meridian, T.3S., R.11E., Section 4, lots 3 to 4 inclusive, W½SE¼NW¼, containing 76.27 acres more or less.

(B) Forest Service West Yellowstone Administrative Site: U.S. Forest Service Administrative Site located within the NE¼ of Block 17 of the Townsite of West Yellowstone which is situated in the N½ of Section 34, T.13S., R.5E., Principal Meridian, Gallatin County, Montana, containing 1.04 acres more or less.

(C) Mill Fork Mission Creek Tract: Principal Meridian, T.13S., R.5E., Section 34, NW¼SW¼, containing 40 acres more or less.

(D) West Yellowstone Town Expansion Tract #1: Principal Meridian, T.13S., R.5E., Section 33, E½E½NE¼, containing 40 acres more or less.

(E) West Yellowstone Town Expansion Tract #2: Principal Meridian, T.13S., R.5E., Section 33, NE¼SE¼, containing 40 acres more or less.

(2) DESCRIPTIONS.—The Secretary may modify the descriptions in subsection (c)(1) to correct errors or to reconfigure the properties in order to facilitate a conveyance.

(3) CONSIDERATION.—Consideration for a sale or exchange of land under this subsection may include cash, land, or a combination of both.

(4) VALUATION.—Any appraisals of land deemed necessary or desirable by the Secretary to carry out the purposes of this section shall conform to the Uniform Appraisal Standards for Federal Land Acquisitions.

(5) CASH EQUALIZATION.—Notwithstanding any other provision of law, the Secretary may accept a cash equalization payment in excess of 25 percent of the value of any land exchanged under this subsection.

(6) SOLICITATIONS OF OFFERS.—The Secretary may:

(A) solicit offers for sale or exchange of land under this subsection on such terms and conditions as the Secretary may prescribe, or

(B) reject any offer made under this subsection if the Secretary determines that the offer is not adequate or not in the public interest.

(7) METHODS OF SALE.—The Secretary may sell land at public or private sale, including competitive sale by auction, bid, or otherwise, in accordance with such terms, conditions, and procedures as the Secretary determines will be in the best interests of the United States.

(8) BROKERS.—The Secretary may utilize brokers or other third parties in the disposition of the land authorized by this subsection and, from the proceeds of the sale, may pay reasonable commissions or fees on the sale or sales.

(9) RECEIPTS FROM SALE OR EXCHANGE.—The Secretary shall deposit the net receipts of a sale or exchange under this subsection in the Special Account.

(d) MISCELLANEOUS PROVISIONS.—

(1) Receipts from any sale or exchange pursuant to subsection (c) of this section:

(A) shall not be deemed excess receipts for purposes of this section;

(B) shall not be paid or distributed to the State or counties under any provision of law, or otherwise deemed as moneys received from the National Forest for purposes of the Act of May 23, 1908 or the Act of March 1, 1911 (16 U.S.C. §500, as amended), or the Act of March 4, 1913 (16 U.S.C. §501, as amended).

(2) As of the date of enactment of this section, any public land order withdrawing land described in subsection (c)(1) from all forms of appropriation under the public land laws is revoked with respect to any portion of the land conveyed by the Secretary under this section.

(3) Subject to valid existing rights, all lands described in section (c)(1) are withdrawn from location, entry, and patent under the mining laws of the United States.

(4) The Agriculture Property Management Regulations shall not apply to any action taken pursuant to this section.

(e) OPTION AGREEMENT AMENDMENT.—The Amendment No. 1 to the Option Agreement is hereby ratified as a matter of Federal law and the parties to it are authorized to effect the terms and conditions thereof.

SEC. 331. TRANSFER OF FOREST LEGACY PROGRAM LAND. Section 7(*l*) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c(*l*)) is amended by inserting after paragraph (2) the following:

''(3) TRANSFER OF FOREST LEGACY PROGRAM LAND.—

''(A) IN GENERAL.—Subject to any terms and conditions that the Secretary may require (including the requirements described in subparagraph (B)), the Secretary may, at the request of a participating State, convey to the State, by quitclaim deed, without consideration, any land or interest in land acquired in the State under the Forest Legacy Program.

''(B) REQUIREMENTS.—In conveying land or an interest in land under subparagraph (A), the Secretary may require that—

''(i) the deed conveying the land or interest in land include requirements for the management of the land in a manner that—

''(I) conserves the land or interest in land; and

''(II) is consistent with any other Forest Legacy Program purposes for which the land or interest in land was acquired;

''(ii) if the land or interest in land is subsequently sold, exchanged, or otherwise disposed of by the State, the State shall—

''(I) reimburse the Secretary in an amount that is based on the current market value of the land or interest in land in proportion to the amount of consideration paid by the United States for the land or interest in land; or

''(II) convey to the Secretary land or an interest in land that is equal in value to the land or interest in land conveyed.

''(C) DISPOSITION OF FUNDS.—Amounts received by the Secretary under subparagraph (B)(ii) shall be credited to the Forest Legacy Program account, to remain available until expended.''.

SEC. 332. Notwithstanding section 9(b) of Public Law 106–506, funds hereinafter appropriated under Public Law 106–506 shall require matching funds from non-Federal sources on the basis of aggregate contribution to the Environmental Improvement Program, as defined in Public Law 106–506, rather than on a project-by-project basis, except for those activities provided under section 9(c) of that Act, to which this amendment shall not apply.

SEC. 333. Any application for judicial review of a Record of Decision for any timber sale in Region 10 of the Forest Service that had a Notice of Intent prepared on or before January 1, 2003 shall—

(1) be filed in the Alaska District of the Federal District Court within 30 days after exhaustion of the Forest Service administrative appeals process (36 C.F.R. 215) or within 30 days of enactment of this Act if the administrative appeals process has been exhausted prior to enactment of this Act, and the Forest Service shall strictly comply with the schedule for completion of administrative action;

(2) be completed and a decision rendered by the court not later than 180 days from the date such request for review is filed; if a decision is not rendered by the court within 180 days as required by this subsection, the Secretary of Agriculture shall petition the court to proceed with the action.

SEC. 334. (a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Agriculture may cancel, with the consent of the timber purchaser, any contract for the sale of timber in Alaska if—

(1) the Secretary determines, in the Secretary's sole discretion, that the sale is uneconomical to perform; and

(2) the timber purchaser agrees to—

(A) terminate its rights under the contract; and

(B) release the United States from all liability, including further consideration or compensation resulting from such cancellation.

(b) EFFECT OF CANCELLATION.—

(1) IN GENERAL.—The United States shall not surrender any claim against a timber purchaser that arose under a contract before cancellation under this section not in connection with the cancellation.

(2) LIMITATION.—Cancellation of a contract under this section shall release the timber purchaser from liability for any damages resulting from cancellation of such contract.

(c) TIMBER AVAILABLE FOR RESALE.—Timber included in a contract cancelled under this section shall be available for resale by the Secretary of Agriculture.

This Act may be cited as the ''Department of the Interior and Related Agencies Appropriations Act, 2004''.

SA 1725. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2691, making appropriations for the Department of the Interior 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 48, line 2, strike the period at the end and insert '': *Provided further*, That of this amount, sufficient funds shall be available for the Secretary of the Interior, not later than 60 days after the last day of the fiscal year, to submit to Congress a report on the amount of acquisitions made by the Department of the Interior during such fiscal year of articles, materials, or supplies that were manufactured outside the United States. Such report shall separately indicate the dollar value of any articles, materials, or supplies purchased by the Department of the Interior that were manufactured outside the United States, an itemized list of all waivers under the Buy American Act (41 U.S.C. 10a et seq.) that were granted with respect to such articles, materials, or supplies, and a summary of total procurement funds spent on goods manufactured in the United States versus funds spent on goods manufactured outside of the United States. The Secretary of the Interior shall make the report publicly available by posting the report on an Internet website.''.

SA 1726. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 2691, making appropriations for the Department of the Interior 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 I, add the following:

SEC. . (a) PAYMENT TO THE HARRIET TUBMAN HOME, AUBURN, NEW YORK, AUTHORIZED.—(1) The Secretary of the Interior may, using amounts appropriated or otherwise made available by this title, make a payment to the Harriet Tubman Home in Auburn, New York, in the amount of $11,750.

(2) The amount specified in paragraph (1) is the amount of widow's pension that Harriet Tubman should have received from January 1899 to March 1913 under various laws authorizing pension for the death of her husband, Nelson Davis, a deceased veteran of the Civil War, but did not receive, adjusted for inflation since March 1913.

(b) USE OF AMOUNTS.—The Harriet Tubman Home shall use amounts paid under subsection (a) for the purposes of—

(1) preserving and maintaining the Harriet Tubman Home; and

(2) honoring the memory of Harriet Tubman.

SA 1727. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 2691, making appropriations for the Department of the Interior 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 137, between lines 23 and 24, insert the following:

SEC. 3___. BUREAU OF LAND MANAGEMENT EMERGENCY FIREFIGHTING FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be used to pay 80 percent of the cost to the United States for Bureau of Land Management emergency wildland fire suppression activities that exceed amounts annually appropriated for wildland fire suppression activities (referred to in this section as the ''Fund''), consisting of—

(1) such amounts as are appropriated to the Fund under subsection (e);

(2) such amounts as are appropriated but not expended for fire suppression activities, to be transferred to the Fund by the Secretary of the Interior; and

(3) any interest earned on investment of amounts in the Fund under subsection (c).

(b) EXPENDITURES FROM FUND.—Subject to paragraph (2), upon request by the Secretary of the Interior, the Secretary of the Treasury shall transfer from the Fund to the Secretary of the Interior such amounts as the Secretary of the Interior determines is necessary for wildland fire suppression activities under subsection (a).

(c) INVESTMENT OF AMOUNTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

(2) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

(A) on original issue at the issue price; or

(B) by purchase of outstanding obligations at the market price.

(3) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(4) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(d) ACCOUNTING AND REPORTING SYSTEM.—The Secretary of the Interior shall establish an accounting and reporting system for the Fund in accordance with National Fire Plan reporting procedures.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund—

(1) for fiscal year 2004, $160,000,000 for emergency wildland fire suppression activities carried out by the Bureau of Land Management that exceed amounts annually appropriated for wildland fire suppression activities; and

(2) for each subsequent fiscal year, such amount as is necessary to maintain in the Fund the amount that is equal to 80 percent of the greatest of the amounts incurred by the Secretary of the Interior for emergency fire suppression during any of the 5 preceding fiscal years that exceed amounts annually appropriated for wildland fire suppression activities.

SEC. 3___. FOREST SERVICE EMERGENCY FIREFIGHTING FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be used to pay 80 percent of the cost to the United States for Forest Service emergency wildland fire suppression activities that exceed amounts annually appropriated for wildland fire suppression activities (referred to in this section as the ''Fund''), consisting of—

(1) such amounts as are appropriated to the Fund under subsection (e);

(2) such amounts as are appropriated but not expended for fire suppression activities, to be transferred to the Fund by the Secretary of Agriculture; and

(3) any interest earned on investment of amounts in the Fund under subsection (c).

(b) EXPENDITURES FROM FUND.—Subject to paragraph (2), upon request by the Secretary of Agriculture, the Secretary of the Treasury shall transfer from the Fund to the Secretary of Agriculture such amounts as the Secretary of Agriculture determines is necessary for wildland fire suppression activities under subsection (a).

(c) INVESTMENT OF AMOUNTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

(2) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

(A) on original issue at the issue price; or

(B) by purchase of outstanding obligations at the market price.

(3) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(4) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(d) ACCOUNTING AND REPORTING SYSTEM.—The Secretary of Agriculture shall establish an accounting and reporting system for the Fund in accordance with National Fire Plan reporting procedures.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund—

(1) for fiscal year 2004, $510,000,000 for emergency wildland fire suppression activities carried out by the Forest Service that exceed amounts annually appropriated for wildland fire suppression activities; and

(2) for each subsequent fiscal year, such amount as is necessary to maintain in the Fund the amount that is equal to 80 percent of the greatest of the amounts incurred by the Secretary of Agriculture for emergency fire suppression during any of the 5 preceding fiscal years that exceed amounts annually appropriated for wildland fire suppression activities.

SA 1728. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2691, making appropriations for the Department of the Interior 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 21, line 21, after ''$60,154,000'' insert the following: '', of which $175,000 shall be available for activities to commemorate the Louisiana Purchase at the Jean Lafitte National Historical Park and Preserve in the State of Louisiana''.

SA 1729. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 2691, making appropriations for the Department of the Interior 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 137, between lines 23 and 24 insert the following.

SEC. 3___. EXPANSION OF SLEEPING BEAR DUNES NATIONAL LAKESHORE.

(a) IN GENERAL.—When title to the land described in subsection (b) has vested in the United States in fee simple, the boundary of Sleeping Bear Dunes National Lakeshore is revised to include such land in that park.

(b) LAND DESCRIBED.—The land referred to in subsection (a) consists of approximately 104.45 acres of unimproved lands generally depicted on National Park Service map number 634/80078, entitled ''Bayberry Mills, Inc. Crystal River, MI Proposed Expansion Unit to Sleeping Bear Dunes National Lakeshore''. The Secretary of the Interior shall keep such map on file and available for public inspection in the appropriate offices of the National Park Service.

(c) PURCHASE OF LANDS AUTHORIZED.—

(1) IN GENERAL.—The Secretary of the Interior may acquire the land described in subsection (b), only by purchase from a willing seller.

(2) BUDGET REQUEST.—The Secretary of the Interior shall include in the National Park Service budget submitted for fiscal year 2005 a request for funds necessary for the acquisition authorized by this subsection.

(d) LIMITATION ON ACQUISITION BY EXCHANGE OR CONVEYANCE.—The Secretary of the Interior may not acquire any of the land described in subsection (b) through any exchange or conveyance of lands that are within the boundary of the Sleeping Bear Dunes National Lakeshore as of the date of the enactment of this Act.

SA 1730. Ms. COLLINS (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill H.R. 2691, making appropriations for the Department of the Interior 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 64, line 21, after ''6a(i))'' insert the following: '', of which $1,000,000 shall be available to the National Forest Foundation for the Downeast Lakes Forestry Partnership, Maine''.

SA 1731. Mr. REID (for himself, Mr. LIEBERMAN, Ms. LANDRIEU, Mr. KENNEDY, Mrs. MURRAY, and Ms. CANTWELL) proposed an amendment to the

bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 137, between lines 23 and 24, insert the following:

SEC. 3___. COMPETITIVE SOURCING STUDIES.

None of the funds made available by this Act shall be used to initiate any competitive sourcing studies after the date of enactment of this Act.

SA 1732. Mr. REID proposed an amendment to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. ACQUISITION OF LAND IN NYE COUNTY, NEVADA.

(a) IN GENERAL.—The Secretary of the Interior may acquire by donation all right, title, and interest in and to the parcel of land (including improvements to the land) described in subsection (b).

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) is the parcel of land in Nye County, Nevada—

(1) consisting of not more than 15 acres;

(2) comprising a portion of Tract 37 located north of the center line of Nevada State Highway 374; and

(3) located in the E½NW¼, NW¼NE¼ sec. 22, T. 12 S., R. 46 E., Mount Diablo Base and Meridian.

(c) USE OF LAND.—The parcel of land acquired under subsection (a) shall be used by the Secretary of the Interior for the development, operation, and maintenance of administrative and visitor facilities for Death Valley National Park.

SA 1733. Mr. REID proposed an amendment to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 137, between lines 23 and 24, insert the following:

SEC. 3___. CONVEYANCE TO THE CITY OF LAS VEGAS, NEVADA.

Section 705(b) of the Clark County Conservation of Public Land and Natural Resources Act of 2002 (116 Stat. 2015) is amended by striking ''parcels of land'' and all that follows through the period at the end and inserting the following: ''parcel of land identified as 'Tract C' on the map and the approximately 10 acres of land in Clark County, Nevada, described as follows: in the NW¼ SE¼ SW¼ of section 28, T. 20 S., R. 60 E., Mount Diablo Base and Meridian.''.

SA 1734. Mr. DASCHLE proposed an amendment to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 88, beginning on line 17, strike ''$2,546,524,000'' and all that follows through ''*Provided*'' on line 20, and insert the following: ''$2,838,524,000, together with payments received during the fiscal year pursuant to section 231(b) of the Public Health Service Act (42 U.S.C. 238(b)) for services furnished by the Indian Health Service, of which $2,329,414,000 shall be available for clinical services: *Provided*, That section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended by striking 'September 30, 2003' and inserting 'September 30, 2004': *Provided further*''.

SA 1735. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 2691, making appropriations for the Department of the Interior 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:

The limitations on Federal expenditures or financial assistance in section 3504 of title 16 and the limitations on flood insurance coverage in section 4028(a) of title 42 shall not apply to lots 15, 16, 25 and 29 within the Jeremy Cay Subdivision on Edisto Island, South Carolina, and depicted on the map entitled John H. Chafee Coastal Barrier Resources System Edisto Complex M09/M09P and dated January 24, 2003.

SA 1736. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 2691, making appropriations for the Department of the Interior 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 137, between lines 23 and 24 insert the following:

SEC. 3___. CONGAREE SWAMP NATIONAL MONUMENT BOUNDARY REVISION.

The first section of Public Law 94–545 (90 Stat. 2517; 102 Stat. 2607) is amended—

(1) in subsection (b), by striking the last sentence; and

(2) by adding at the end the following:

''(c) ACQUISITION OF ADDITIONAL LAND.—

''(1) IN GENERAL.—The Secretary may acquire by donation, by purchase from a willing seller with donated or appropriated funds, by transfer, or by exchange, land or an interest in land described in paragraph (2) for inclusion in the monument.

''(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) is the approximately 4,576 acres of land adjacent to the Monument, as depicted on the map entitled ''Congaree National Park Boundary Map'', numbered 178/80015, and dated August 2003.

''(3) AVAILABILITY OF MAP.—The map referred to in paragraph (2) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

''(4) BOUNDARY REVISION.—On acquisition of the land or an interest in land under paragraph (1), the Secretary shall revise the boundary of the monument to reflect the acquisition.

''(5) ADMINISTRATION.—Any land acquired by the Secretary under paragraph (1) shall be administered by the Secretary as part of the monument.

''(6) EFFECT.—Nothing in this section—

''(A) affects the use of private land adjacent to the monument;

''(B) preempts the authority of the State with respect to the regulation of hunting, fishing, boating, and wildlife management on private land or water outside the boundaries of the monument; or

''(C) negatively affects the economic development of the areas surrounding the monument.

''(d) ACREAGE LIMITATION.—The total acreage of the monument shall not exceed 26,776 acres.''.

SA 1737. Mr. ENSIGN (for himself, Mr. REID, and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 2691, making appropriations for the Department of the Interior 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 137, between lines 23 and 24, insert the following:

SEC. 3___. LAKE TAHOE RESTORATION PROJECTS.

Section 4(e)(3)(A) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2346; 116 Stat. 2007) is amended—

(1) in clause (v), by striking ''and'' at the end;

(2) by redesignating clause (vi) as clause (vii); and

(3) by inserting after clause (v) the following:

''(vi) environmental restoration projects under sections 6 and 7 of the Lake Tahoe Restoration Act (114 Stat. 2354) and environmental improvement payments under section 2(g) of Public Law 96–586 (94 Stat. 3382), in an amount equal to the cumulative amounts authorized to be appropriated for such projects under those Acts and in accordance with a revision to the Southern Nevada Public Land Management Act of 1998 Implementation Agreement to implement this section, which shall include a mechanism to ensure appropriate stakeholders from the States of California and Nevada participate in the process to recommend projects for funding; and''.

SA 1738. Mr. MCCONNELL (For Mr. MCCAIN (for himself, Mr. LUGAR, Mr. BIDEN, and Mr. LIEBERMAN)) proposed an amendment to the resolution S. Res. 225, commemorating the 100th anniversary of diplomatic relations between the United States and Bulgaria; as follows:

In the ninth whereas clause of the preamble, strike ''2003, Bulgaria was invited to join'' and insert ''2002, Bulgaria was invited to accession talks with''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, September 17, 2003, at 10 a.m. on digital media—consumer privacy technology mandates.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, September 17, 2003, at 2:30 p.m. on the nominations of Gwendolyn Brown to be Chief Financial Officer of NASA, Karan Bhatia to be an Assistant Secretary of Transportation, and Charles Snelling to be a member of the Board of Directors of the Metropolitan Washington Airports Authority.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, on Wednesday, September 17 at 10:00 a.m. to consider pending calendar business:

Agenda Item 1: The nomination of Suedeen Kelly to be a Member of the Federal Energy Regulatory Commission.

Agenda Item 2: Nomination of Rick Dearborn to be Assistant Secretary for Congressional and Intergovernmental Affairs at the Department of Energy.

Agenda Item 3: S.J. Res. 16—Joint resolution to approve the ''Compact of Free Association, as amended between the Government of the United States of America and the Government of the Federated States of Micronesia'', and the ''Compact of Free Association, as amended between the Government of the United States of America and the Government of the Republic of the Marshall Islands'', and otherwise to amend Public Law 99–239, and to appropriate for the purposes of amended Public Law 99–239 for fiscal year ending on or before September 30, 2023, and for other purposes.

In addition, the Committee may turn to any other measures that are ready for consideration.

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

COMMITTEE ON FINANCE

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet in open Executive Session during the session on Wednesday, September 17, 2003, at 10 a.m., to consider a Chairman's Mark entitled, Extension of Highway Trust Fund Provisions, and S. 1548, Volumetric Ethanol Excise Tax Credit Act of 2003 (VEETC) (as modified by the Chairman's Mark); and, a Chairman's Mark entitled, National Employee Saving and Trust Equity Guarantee Act; and H.R. 743, The Social Security Program Protection Act of 2003.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 17, 2003 at 2:30 p.m. to hold a hearing on U.S. Energy Security: West Africa & Latin America.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, September 17, 2003, at 10:00 a.m. for a hearing titled ''U.S. Postal Service: What Can Be Done to Ensure Its Future Viability?''

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

COMMITTEE ON INDIAN AFFAIRS

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, September 17, 2003, at 10:00 a.m. in Room 485 of the Russell Senate Office Building to conduct a hearing on S. 420, a bill to provide for the acknowledgement of the Lumbee Tribe of North Carolina, and for other purposes.

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

COMMITTEE ON THE JUDICIARY

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, September 17, 2003, at 10 a.m. in the Dirksen Senate Office building room 226 on ''Judicial Nominations.''

Witness List:

Panel I: Senators.

Panel II: David W. McKeague to United States Circuit Judge for the Sixth Circuit.

Panel III: Margaret Catharine Rogers to be United States District Judge for the Northern District of Florida, Roger W. Titus to be United States District Judge for the District of Maryland; George W. Miller to be Judge for the United States Court of Federal Claims.

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

COMMITTEE ON THE JUDICIARY

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, September 17, 2003, at 2 p.m. in the Dirksen Senate Office building room 226 on ''Combating Gang Violence in America: Examining Effective Federal, State and Local Law Enforcement Strategies.''

Witness List:

Panel I: The Honorable Patrick Fitzgerald, United States Attorney, Northern District of Illinois, Chicago, IL; The Honorable Debra W. Yang, United States Attorney, Central District of California, Los Angeles, CA; The Honorable Christopher J. Christie, United States Attorney, District of New Jersey, Newark, NJ; Special Agent Grant Ashley, Assistant Director, FBI, Criminal Investigative Division, Washington, DC.

Panel II: The Honorable Robert P. McCulloch, President, National District Attorney Association, Alexandria, VA; Mr. Wes McBride, President, California Gang Investigators Association, Huntington Beach, CA; The Honorable Eddie J. Jordan, Jr., District Attorney, District of New Orleans, New Orleans, LA.

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

PRIVILEGE OF THE FLOOR

Mr. BURNS. I ask unanimous consent Larissa Sommer and Ron Hooper of my staff be granted floor privileges for the duration of debate on the fiscal year 2004 Interior and Related Agencies Act.

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

COMMEMORATING DIPLOMATIC RELATIONS BETWEEN THE UNITED STATES AND BULGARIA

Mr. McCONNELL. I ask unanimous consent that the Foreign Relations Committee be discharged from further action on S. Res. 225 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 legislative clerk read as follows:

A resolution (S. Res. 225) commemorating the 100th anniversary of diplomatic relations between the United States and Bulgaria.

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCONNELL. I ask unanimous consent that the resolution be agreed to, the amendment to the preamble be agreed to, and the preamble, as amended, be agreed to; further, that the motion to reconsider be laid upon the table and any statements regarding this matter appear in the RECORD.

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

The amendment (No. 1738) was agreed to, as follows:

AMENDMENT NO. 1738

(Purpose: To make a technical correction)

In the ninth whereas clause of the preamble, strike ''2003, Bulgaria was invited to join'' and insert ''2002, Bulgaria was invited to accession talks with''.

The resolution (S. Res. 225) was agreed to.

The preamble, as amended, was agreed to.

The resolution, as amended, with its preamble, reads as follows:

S. RES. 225

Whereas the United States established diplomatic relations with the Republic of Bulgaria on September 19, 1903;

Whereas the United States acknowledges the courage of the Bulgarian people in deciding to pursue a free, democratic, and independent Bulgaria and the steadfast perseverance of the Bulgarian people in building a society based on democratic values, the rule of law, respect for human rights, and a free market economy;

Whereas the Bulgarian people, including Bulgarian civil and religious leaders, bravely protected 50,000 Bulgarian Jews from deportation and extermination during the Holocaust;

Whereas Bulgaria has supported stability in the Balkans by rendering support to Operation Allied Force and Operation Joint Guardian led by the North Atlantic Treaty Organization (NATO), and by providing peacekeeping troops to the Stabilisation Force in Bosnia and Herzegovina and to the Kosovo Force in Kosovo;

Whereas Bulgaria was among the very first countries to denounce terrorism and pledge active support to the United States in the fight against terrorism following the events of September 11, 2001;

Whereas Bulgaria provided overflight and basing rights at the town of Burgas for Operation Enduring Freedom and Bulgaria deployed a military unit to Afghanistan as

part of the International Security Assistance Force;

Whereas Bulgaria has stood firmly by the United States in the cause of advancing freedom worldwide during its tenure as a nonpermanent member of the United Nations Security Council;

Whereas Bulgaria met each request of the United States relating to overflight and basing rights as well as transit of United States and coalition forces, and deployed a 500-man infantry battalion as part of a stabilization force in Iraq;

Whereas in November 2002, Bulgaria was invited to accession talks with NATO and has shown determination in enacting the continued reforms necessary to be a productive, contributing member of the Alliance;

Whereas Bulgaria strongly supports the strengthening of trans-Atlantic relations and considers the relations to be a basis for NATO unity and cooperation in countering new threats to global security; and

Whereas in May 2003, the Senate gave its consent with 96 votes to 0 for the ratification of the accession protocols of Bulgaria and 6 other aspirant countries from Central and Eastern Europe to NATO, thereby welcoming their contribution to common trans-Atlantic security: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 100 years of diplomatic relations between the United States and Bulgaria;

(2) commends the Republic of Bulgaria for developing increasingly friendly and broadly based relations with the United States, which are now the most favorable in the history of United States-Bulgaria relations;

(3) recognizes Bulgaria's continued contributions towards bringing peace, stability, and prosperity to the region of southeastern Europe, including the contributions of Bulgaria to regional security and democratic stability;

(4) salutes Bulgaria's willing cooperation and increasingly vital role as a valuable ally in the war against international terrorism;

(5) highlights the importance of Bulgaria's active participation in regional initiatives such as the Stability Pact for Southeast Europe, the Southeast Europe Cooperative Initiative, and the Southeast Europe Cooperation Process, and the various projects of those initiatives, which are focused on fighting crime and corruption, increasing trade, improving the investment climate, and generally preparing Bulgaria and Southeast Europe as a whole for eventual membership in the European Union; and

(6) encourages opportunities for greater cooperation between the United States and Bulgaria in the political, military, economic, and cultural spheres.

CELEBRATING THE LIFE AND ACHIEVEMENTS OF LAWRENCE EUGENE ''LARRY'' DOBY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 235 which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 235) celebrating the life and achievements of Lawrence Eugene ''Larry'' Doby.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. LAUTENBERG. Mr. President, the Senate is poised to pass H. Con. Res. 235, a measure that pays tribute to a legendary American pioneer and a long-time friend of mine, Larry Doby, who died on June 18. I appreciate the willingness of the majority and minority leaders to expedite Senate consideration of this measure, and I applaud the efforts of Congressman BILL PASCRELL of my home State of New Jersey, who introduced it in the House of Representatives.

I first met Larry when we were thirteen or fourteen. We went to school together at Eastside High in my hometown, Paterson, NJ. The first time I saw him, he was running track, doing the broad jump. And he was amazing. We stayed in touch over the many years that have passed since then.

Larry Doby was an exceptional athlete—one of our very best—and an exciting player to watch on the field. But he was much more than that; he was a great man and he was also a good man. He had so much dignity. Though Larry Doby has died, the path he blazed for African-Americans remains.

Few people realize that Larry began his groundbreaking athletic career in 1943—at the age of 18—as the first African-American to play in the American Basketball League for the Paterson Panthers. He then moved on to baseball, playing for the Newark Eagles of the Negro National League. After returning from his service to the Navy for 2 years, Larry hit .414 with 14 home runs in his final season in Newark.

It was on July 5, 1947, just 11 weeks after Jackie Robinson broke the color barrier in major league baseball, that Larry Doby signed a contract with the Cleveland Indians of the American league. He was the first African-American player in the American League. Larry had no intention or desire to become part of history. When Indians owner Bill Veeck predicted to Larry that he would ''be part of history,'' Larry replied, ''I had no notions about that. I just wanted to play baseball.''

And play baseball he did, and quite well. Larry was an All-Star seven times in his 13-year career. In the 1948 World Series between Cleveland and the Boston Braves, his home run in Game 4 broke a 1–1 tie; Cleveland won 2–1 and went on to win the Series in six games. He hit at least 20 home runs in eight straight seasons and was inducted into the Baseball Hall of Fame in 1998.

Larry became the second African-American manager of a major league team when he took over as skipper of the Chicago White Sox in 1978. He was also the director of community relations for the New Jersey Nets in the late 1970s, encouraging the development of youth programs in urban New Jersey.

Larry was a superb athlete, but things didn't come easy for him. When he joined the Indians, he was harassed by opposing players and fans. He was forced to eat in separate restaurants, to sleep in separate hotels. Some of his own teammates wouldn't even shake his hand. But he pressed on, and we're a better country for it.

At the memorial service for Larry, Newark Star-Ledger sports columnist Jerry Izenberg recalled the day that Larry entered the Hall of Fame in Cooperstown, NY. The two of them paused in front of a large photo snapped immediately after Game 4 of the 1948 World Series—the game Larry won with his home run. The photo showed Larry and winning pitcher Steve Gromek hugging each other. Larry reminisced that the photo appeared on the front pages of a lot of newspapers the next day and said to Jerry, ''That was the first time you could see a black and white person embrace on the first page of papers.'' ''At the time,'' Jerry said, ''America needed that picture. And Larry was so proud to have played a part in giving America what it needed.''

Larry said it best in a speech he gave after his career had ended. He said, ''We can see that baseball helped make this a better country. We hope baseball has given (children) some idea of what it is to live together and how you can get along, whether you are black or white.''

By this resolution Congress is showing its appreciation on behalf of all Americans to Larry Doby for his role in breaking down racial barriers in baseball and in America. I'll say here what I said at his memorial service: ''When we stand every day for the things we believe in, we'll be standing for Larry Doby.'' His family will miss him. I will miss him. America will miss him.

Mr. MCCONNELL. Mr. President, 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 that 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 (H. Con. Res. 235) was agreed to.

The preamble was agreed to.

MEASURE READ THE FIRST TIME—H.R. 49

Mr. MCCONNELL. Mr. President, I understand that H.R. 49 which was just received from the House is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the title of the bill for the first time.

The legislative clerk read as follows:

A bill (H.R. 49) to permanently extend the moratorium enacted by the Internet Tax Freedom Act, and for other purposes.

Mr. MCCONNELL. I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. The objection is heard.

The bill will be read the second time on the next legislative day.

ORDERS FOR THURSDAY, SEPTEMBER 18, 2003

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, Thursday, September 18. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of H.R. 2691, the Interior appropriations bill.

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

PROGRAM

Mr. McCONNELL. For the information of all Senators, tomorrow the Senate will resume debate on H.R. 2691, the Interior appropriations bill. As announced by the majority leader, there will be no rollcall votes tomorrow but Senators are encouraged to come to the floor to offer and debate further amendments to this bill. The Senate will not be in session on Friday. Therefore, any votes ordered during tomorrow's session will be stacked to occur on Monday.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. McCONNELL. 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 6:32 p.m., adjourned until Thursday, September 18, 2003, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 17, 2003:

DEPARTMENT OF STATE

WILLIAM CABANISS, OF ALABAMA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE CZECH REPUBLIC.

LOUISE V. OLIVER, OF THE DISTRICT OF COLUMBIA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE THIRTY-SECOND SESSION OF THE GENERAL CONFERENCE OF THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC, AND CULTURAL ORGANIZATION

LOUISE V. OLIVER, OF THE DISTRICT OF COLUMBIA, FOR THE RANK OF AMBASSADOR DURING HER TENURE OF SERVICE AS THE UNITED STATES PERMANENT REPRESENTATIVE TO THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC, AND CULTURAL ORGANIZATION.

RODERICK R. PAIGE, OF TEXAS, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE THIRTY-SECOND SESSION OF THE GENERAL CONFERENCE OF THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC, AND CULTURAL ORGANIZATION.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

GERILYN A. POSNER, 0000

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

GREGORY S. JOHNSON, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

TIMOTHY C. KELLY, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

PAUL D. HARRELL, 0000
WILLIAM S. LEE, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

ROBERT E. STONE, 0000
JAMES A GOODBOW, 0000
JAMES M HATCH, 0000
LEE W HELLWIG, 0000
WILLIAM J HOLIMAN JR., 0000
TIMOTHY J JANNING, 0000
JOHN T JOHNS, 0000
MYUNG B KIM, 0000
STEPHEN M LEE, 0000
KARL A M LINDBLAD, 0000
DANIEL E LINK, 0000
DAVID L MCBETH, 0000
CHRISTOPHER MERRIS, 0000
WILLIAM P NEIS, 0000
MUHIYYALDIN M M NOEL JR., 0000
JOHN B OWEN, 0000
CHARLES M PUMPHREY, 0000
RONALD P STAKE, 0000
MARK W TEWS, 0000
RICHARD J VIDRINE, 0000
JAMES E WEST, 0000
MICHAEL D WILLIAMS, 0000
RANDY E WILLIAMS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

MICHAEL S AGABEGI, 0000
MARTIN J ANERINO, 0000
MATTHEW C BYARS, 0000
WILLIE S CHAO, 0000
MATTHEW E COLES, 0000
JERRY M COOK, 0000
DAVID M CRAIG, 0000
MICHAEL J DOHERTY, 0000
SEAN P DONOVAN, 0000
RAYNESE S FIKES, 0000
GRETCHEN S FOLK, 0000
ROBERT B FOLK, 0000
SAMAN R GHARIB, 0000
HEATHER L GNAU, 0000
JULIE A HALL, 0000
STEVEN P HERNANDEZ, 0000
THOMAS B JORDAN, 0000
CARL R KRIEBEL JR., 0000
KWANGMYUNG S LEE, 0000
PAUL I LIM, 0000
FRANK X MAC, 0000
RYAN P MATHERNE, 0000
GARY D MATT, 0000
JAMES B MAZOCK, 0000
IVO A MILLER, 0000
ROBERT D PAVEL, 0000
NICOLE B PRUITT, 0000
CHRISTOPHER O REGISTER, 0000
SHERMA R SAIF, 0000
RAOUL H SANTOS, 0000
AARON P SARATHY, 0000
MARTHA S SCOTTY, 0000
SHAYESTER SHAFIE, 0000
SHEPHERD A SITTASON, 0000
RACHELLE M SMITH, 0000
ROSS E STAUFFER, 0000
NICHOLAS J TOSCANO, 0000
CHARLES C TRUNCALE, 0000
JAMES M TYNECKI, 0000
JENNIFER K WALLACE, 0000
SUSAN M WELLMAN, 0000
BENJAMIN D WESTON, 0000
WALTER H WILLIAMS, 0000
REID J WINKLER, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

JOHN R ANDERSON, 0000
MATTHEW J ANDERSON, 0000
RICHARD D ANDERSON III, 0000
ROBERT J BALLISTER JR., 0000
KEITH R BARKEY, 0000
KEITH W BARTON, 0000
CHRISTOPHER L BRADNER, 0000
CHAD M BROOKS, 0000
DONALD R BRUS, 0000
STEVEN C BUKOSKI, 0000
FRANK C CERVASIO, 0000
SCOTT O CLOYD, 0000
MICHAEL L COE, 0000
THERON C COLBERT, 0000
ANDREW B CRIGLER, 0000
ROLAND V J DEGUZMAN, 0000
MICHAEL P DOYLE, 0000
AHMED FERGUSON, 0000
RALPH H FIELD, 0000
DAVID C GARCIA, 0000
THOMAS M HUNT, 0000
KEVIN K JUNTUNEN, 0000
ERIK J KARLSON, 0000
JEFFREY J KILIAN, 0000
PHILLIP KNAUSS, 0000
AARON E KOTTAS, 0000
CHRISTOPHER J KRUS, 0000
KIRK A LAGERQUIST, 0000
LANCE A LEE, 0000
LEONARD E MARSHALL, 0000
DAVID H MCALISTER, 0000
ROBERT D MCCLELLAN, 0000
PATRICK D MEAGHER, 0000
KEITH W MIERTSCHIN, 0000
JOHN D MILLINOR, 0000
MATTHEW C MOTSKO, 0000
ALBERTO J NIETO, 0000
KEVIN M NORTON, 0000
MICHAEL L OBERMILLER, 0000
DORIAN R PARKER, 0000
TABITHA D PIERZCHALA, 0000
SCOTT P RAYMOND, 0000
WHITLEY H ROBINSON, 0000
MIKHAEL H SER, 0000
JONATHAN B SIEGEL, 0000
WILLIAM A SIEMER, 0000
WILLIAM J SIMPKINS, 0000
WILLIAM A SPRAUER JR., 0000
DEMETRIOUS N TASHEURAS, 0000
RONALD G TERRELL, 0000
MICHAEL A THORNTON, 0000
RYAN M TIBBETTS, 0000
ROD W TRIBBLE, 0000
MATTHEW P TUCKER, 0000
VICTOR V VELASCO, 0000
BRIAN L WEINSTEIN, 0000
NICOLAS D I YAMODIS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

ALAN L ADAMS, 0000
PAUL D ALLEN, 0000
BRYAN C BOST, 0000
STEPHEN P BROMBEREK, 0000
KIRK L BUKER, 0000
WALTER S CARR, 0000
MICHAEL D CASSADY, 0000
PAUL R CAUCHON, 0000
KENNETH E CHRISTOPHER, 0000
DOUGLAS H DUMAS, 0000
LISA M FINLAYSON, 0000
DOUGLAS W FLETCHER, 0000
KEITH R GIVENS, 0000
ROBERT C GLINCOSKY, 0000
DEBORAH L GOODWIN, 0000
JOSEPH P GOULARTE, 0000
LOUIS V GUARNO, 0000
JACK T GULBRANSON, 0000
CAROL GUZEWICZ, 0000
LEROY W HARRIS JR., 0000
MARK E HEIM, 0000
JOE D HERRE, 0000
DENISE L HOFFMAN, 0000
WILLIAM D HOLDER, 0000
THOMAS C HUGHES, 0000
KEITH L HUTCHINS JR., 0000
CHRISTINE M JOHANNESEN, 0000
SHANNON J JOHNSON, 0000
MICHAEL S KAVANAUGH, 0000
KEVIN F KELLEY, 0000
JOHN P KENDRICK, 0000
BRADLEY J KILLENBECK, 0000
DAVID J LASH, 0000
MARK G LIEB, 0000
MICHAEL A LOWE, 0000
CHRISTOPHER G LYNCH, 0000
SCOTT A MCKENZIE, 0000
CHERYL E MILLER, 0000
DENISE E MILTON, 0000
STEVEN M MINER, 0000
CHAD A MITCHELL, 0000
JUNG H MOON, 0000
DAVID E NIEVES, 0000
SAMUEL B PALMER, 0000
JOE T PATTERSON III, 0000
JAY J PELOQUIN, 0000
ROBERT D POERSCHMANN, 0000
PAUL W PRUDEN, 0000
DOUGLAS E PUTTHOFF, 0000
CYRUS N RAD, 0000
DANIEL S RATICAN, 0000
SHAWN A RICKLEFS, 0000
VALERIE J RIEGE, 0000
SHARON J ROBERTS, 0000
DEBORAH E ROBINSON, 0000
SCOTT P ROSSI, 0000
THOMAS SCHLATER, 0000
FREDERICK K SCHMIDT, 0000
DAVID L SCHOO, 0000
RANDY M SMARGIASSI, 0000
BENNETT J SOLBERG, 0000
JASON S SPILLMAN, 0000
RAYMOND D STIFF, 0000
WILLIAM A SUGGS III, 0000
MATTHEW J SWIERGOSZ, 0000
EDWARD G VONBERG, 0000
SHANNON P VOSS, 0000
GARY D WEST, 0000
RICHARD L WILHOITE, 0000
ANTHONY S WILLIAMS, 0000

CODY L WILSON, 0000
PETER G WISH, 0000
GEORGES E YOUNES, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

JAMES D ABBOTT, 0000
PATRICK K AMERSBACH, 0000
DAVID W ANDERSON, 0000
FARIA BELMARES, 0000
MARY L BIEGNER, 0000
KRISTEN M BIRDSONG, 0000
KAREN H BISOGNO, 0000
DALE S BORDNER, 0000
RALPH V BRADEEN, 0000
BARBARA L BREUNINGER, 0000
TRACI L BROOKS, 0000
CARL S BROW III, 0000
ABE J BROWN JR., 0000
MARNIE S BUCHANAN, 0000
CAROL A BURROUGHS, 0000
BRENT A BUSHEY, 0000
VIRGINIA L BUTLER, 0000
GILBERT T CANIESO, 0000
CHRISTINE A CHAMBERS, 0000
ERIK C CLINE, 0000
JOSE A COLON, 0000
PAUL M CORNETT, 0000
JOHN N CRANE, 0000
AMY D CRISCITELLO, 0000
DANIEL J CUELLAR, 0000
GEORGE P CULLEN, 0000
CAROLYN M CURRIE, 0000
WILLIE P DANIELS, 0000
JONATHAN A DEINARD, 0000
STEPHEN W DOLAK, 0000
JIMI M DOTY, 0000
JONATHAN S EDWARDS, 0000
KENDALL J ELLINGTON, 0000
TIMOTHY FLEMING, 0000
JAMES D FOUNTAIN, 0000
CYNTHIA R FRENCH, 0000
ANDREW A GALVIN, 0000
DENISE M GECHAS, 0000
JULIE A GINOZA, 0000
KELLY R HAMON, 0000
PATRICIA C HASEN, 0000
ROBERT J HAWKINS, 0000
VICTORIA L HAYWARD, 0000
MICHELE J HENRY, 0000
KATHLEEN A HINZ, 0000
HEATHER M HOLMES, 0000
RODNEY F HOOVER, JR., 0000
JENNIFER L A HUCK, 0000
DARNELL W HUNT, 0000
CHRISTOPHER M JACK, 0000
CHRISTINA A JAMIESON, 0000
ERIK D JENSEN, 0000
VICKI L JERNIGAN, 0000
MAILE E KALINOWSKI, 0000
JOHN G KEENAN, 0000
APRIL R KING, 0000
TROY L KING, 0000
CHARLES W KLEIN, 0000
MICHAEL S KOHLER, 0000
JOHN R KULAS, 0000
TRACEY L KUNKEL, 0000
SUSAN D LABOY, 0000
LAURIE A LANCA, 0000
ROBERT L LAWRENCE, 0000
EFREM R LAWSON, 0000
LAURA J LEDYARD, 0000
LORI A LEE, 0000
KATRINA M LEEK, 0000
TRACY L LOPEZ, 0000
JULIE A LUNDSTAD, 0000
ANGELA R MACON, 0000
LEANNE A MADER, 0000
SUE A MAHONEY, 0000
DAVID S MARKELL, 0000
JAMES MATHES, 0000
DANIEL F MCKENDRY, 0000
REBECCA A MCKNIGHT, 0000
TIMOTHY B MCMURRY, 0000
XANTHE R MIEDEMA, 0000
LEONORA A MILAN, 0000
DANNIEL A MINES, 0000
RANDY L MOORE, 0000
BARBARA A MULLEN, 0000
JUANITA NEIL, 0000
PAUL F NETZEL, 0000
HEATHER A NEWMAN, 0000
JOSEPH W NEWSOME, 0000
TRISHA J OFSTAD, 0000
MARIO PALLANTE, 0000
ANGELA R A PARYS, 0000
ANDREA C PETROVANIE, 0000
MICHAEL D PORTS, 0000
JAMES E REASOR, 0000
KAREN E REILLY, 0000
CATHERINE E RILEY, 0000
ROBERT S RINEHART, 0000
EDWARD B RITTER, 0000
JILL D ROBBINS, 0000
WILMA J ROBERTS, 0000
ERIN C ROBERTSON, 0000
LISA F ROSE, 0000
DEBRA A RUYLE, 0000
PATRICK J RYAN, 0000
MICHAEL P RYON, 0000
TODD A SAYLOR, 0000
TAMARA K SELLERS, 0000
CHRISTIE A SIERRA, 0000
DANAHE O SIERRA, 0000
DANIEL J SIKKINK, 0000
FRANCES C SLONSKI, 0000
CHRISTOPHER R SMITH, 0000
DENNIS L SPENCE, 0000
KENNETH L SPENCE, 0000
LINDA K SPENCER, 0000
GERALD W SPRINGER II, 0000
ELEANOR P STEWARTGARBRECHT, 0000
DAVID B SURBER, 0000
ELIZABETH M TANNER, 0000
KIMBERLY A TAYLOR, 0000
MARILOU THOMPSON, 0000
VALORIE A TOTH, 0000
EVELYN J TYLER, 0000
LISA M UMPHREY, 0000
JENNIFER R WARD, 0000
SHAREE L WEBB, 0000
TYNAH R WEST, 0000
JACK E WILCOX, 0000
JOSEPH M WILKINSON, 0000
BERNIE WILLIAMSMCGUIRE, 0000
NANCY V WILSONJACKSON, 0000
ANTHONY W WINSTON, 0000
THOMAS E WITHERSPOON, 0000
LENORA J YOUNG, 0000
CHRISTINE M ZOHLEN, 0000
ROBERT W ZURSCHMIT, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

TIM K ADAMS, 0000
ROGER S AKINS, 0000
OLADAPO A AKINTONDE, 0000
TODD J ALAN, 0000
SAIRA N ALI, 0000
THERESA M ALLEN, 0000
ANTHONY M AMAIO, 0000
ERIC W ANDERSON, 0000
JARED L ANTEVIL, 0000
GLEN M ARLUK, 0000
JOHN C ARNOLD, 0000
DEAN B ASHER, 0000
ROBERT L ASHLOCK, 0000
JAMES E BABASHAK, 0000
JOHN E BAKER, 0000
JAY M BALAGTAS, 0000
LUKE H BALSAMO, 0000
MICHAEL J BARKER, 0000
GLEN W BARRISFORD, 0000
JOHN T BASSETT, 0000
THOMAS C BAUGH, 0000
ROBERT M BEER, 0000
ERIC E BELIN, 0000
GERARD M BENECKI, 0000
RODD J BENFIELD, 0000
JOHN R BENJAMIN, 0000
AMY B BERRY, 0000
JOHN C BIERY, 0000
MICHAEL C BIONDI, 0000
SEAN D BIRMINGHAM, 0000
WILLIAM V BOBO, 0000
KRISTA A BOCKSTAHLER, 0000
RONDA D BOUWENS, 0000
PAUL C BOWN, 0000
RODNEY D BOYUM, 0000
KELVIN R BRAY, 0000
MARY D BROGA, 0000
RENEE D BROWN, 0000
SHANNON A BROWNE, 0000
MATTHEW M BRUCKEL, 0000
ERIC M BUENVIAJE, 0000
JAMES T BURATTO, 0000
JORGE B CABALLERO, 0000
WAYNE A CARDONI, 0000
ROBERT M CARGILE, 0000
FRANCIS S CARLIN, 0000
MICHAEL R CARR, 0000
KENICHI CARRIGAN, 0000
SHAUN D CARSTAIRS, 0000
JOHN M CECCHINI, 0000
DAVID W CHAMP, 0000
IAN J CHAPEL, 0000
MICHAIL CHARISSIS, 0000
SREEHARI CHERUKURI, 0000
KEVI L CHRISTOPHER, 0000
LILY CHU, 0000
HELEN M CHUN, 0000
STEPHEN E CLARK, 0000
THOMAS H CLARK, 0000
TRISHA L CLARKE, 0000
NANCY M CLAYTON, 0000
DANIEL J COMBS, 0000
CHRISTOPHER B CORNELISSEN, 0000
CHARLES E CRAVEN, 0000
PAUL CROARKIN, 0000
JOHN E CROSS, 0000
STEPHANIE A DABULIS, 0000
ARDRA R DAVIS, 0000
AMADO A DAYLO, 0000
PRY D R DE, 0000
STEVEN M DEFREITAS, 0000
ERNESTO DELATORRE, 0000
GERARD DEMERS, 0000
WILLIAM R DENNIS, 0000
JAMES T DEUEL, 0000
ILLY DOMINITZ, 0000
JOHN W DORUNDA, 0000
JENNIFER C DRISCOLL, 0000
JONATHAN E ECKSTEIN, 0000
CHRISTOPHER I ELLINGSON, 0000
NATHAN R ENOKI, 0000
ALEXIS T A EPPERLY, 0000
JENNIFER M ESPIRITU, 0000
CHRISTOPHER A FAUST, 0000
TIMOTHY J FISHER, 0000
COY A FLOWERS, 0000
KAREN J FOOTE, 0000
GREGORY M FRANCISCO, 0000
JONATHAN B FUGITT, 0000
TAMARA N FULLEREDDINS, 0000
MICHAEL S GALITZ, 0000
MEREDITH I GAMBLIN, 0000
RONNIE L GARCIA, 0000
A B GARDNER, 0000
JESSE R GEIBE, 0000
ANDREW B GENTRY, 0000
BARRY C GENTRY, 0000
LAWRENCE M GIBBONS, 0000
SHANE M GJESDAL, 0000
ROBERTO A GONZALEZ, 0000
MARILEE C GRISWOLD, 0000
STEFAN M GROETSCH, 0000
ROBERT A GUARDIANO, 0000
RAMIRO GUTIERREZ, 0000
DAVID E GWINN, 0000
SCOTT J HABAKUS, 0000
RODNEY S HAGERMAN, 0000
STEVEN R HANLING, 0000
JENNIFER A HANNER, 0000
GREGORY W HANSON, 0000
MARSHAL F HARPE, 0000
BRITT H HATFIELD, 0000
CHRISTOPHER J HEJMANOWSKI, 0000
JOSE HENAO, 0000
PATRICK J HENNESSEY, 0000
CHRISTOPHER M HERZER, 0000
DEIRDRE F HESTER, 0000
RICHARD R HIRASUNA, 0000
STEPHEN D HOAG, 0000
MATTHEW J HOFFMAN, 0000
JOSEPH S HONG, 0000
JODY E HOOPER, 0000
TODD HORTON, 0000
MARK C HUGHES, 0000
BYRON J HUMBLE, 0000
CATHERINE M HURLEY, 0000
AMY P HURSH, 0000
TIPTON D Q HUTCHESON, 0000
REBECCA L HUTFILZ, 0000
HENRY A IRVINE, 0000
ANGELA P JACKSON, 0000
MINAL D JACKSON, 0000
MICHAEL B JACOBS, 0000
CHER A JACOBSEN, 0000
GEOFFREY S JACOBY, 0000
JAMES T JOHNSON, 0000
TARAH L JOHNSON, 0000
CARRIE A JONES, 0000
LISA M JONES, 0000
ROBERT J JUHALA, 0000
STEPHEN S KACZYNSKI, 0000
STEVEN B KAILES, 0000
CHRISTOPHER S KAMMER, 0000
JULIAN P KASSNER, 0000
JAMES W KECK, 0000
LISA M KERNEN, 0000
JENNIFER T KILLIAN, 0000
PETER J KILLIAN, 0000
TYPHANIE A KINDER, 0000
ZACHARY J KITCHEN, 0000
ARNETT KLUGH, 0000
BUDDY G KOZEN, 0000
PAMELA L KRAHL, 0000
LUISA C KROPCHO, 0000
WALTER D KUCABA, 0000
CHRISTOPHER T KUZNIEWSKI, 0000
JAMES D LANDREAU, 0000
CHRISTOPHER R LANG, 0000
BRET J LANGENBERG, 0000
TODD R LAROCK, 0000
KELLY M LATIMER, 0000
MEGAN A LEAPLEY, 0000
DONG H LEE, 0000
ALISON M LEX, 0000
JONATHAN M LIESKE, 0000
JOANNE R LIPELAEZ, 0000
MARK Y LIU, 0000
JOHN W LONGWELL, 0000
DAVID P LOS, 0000
KERI L LUND, 0000
STEVEN M MACKAY, 0000
CRAIG MACLEAN, 0000
CHARLES E MADER, 0000
HEATHER L MANN, 0000
WILLIAM MANN, 0000
CHARLES G MARGUET, 0000
GREGARY D MARHEFKA, 0000
KAREN L MATTHEWS, 0000
MONIQUE A MATUSKOWITZ, 0000
GREGORY N MATWIYOFF, 0000
CHRISTINA A MCADAMS, 0000
SCOTT D MCCLELLAN, 0000
KELLY L MCCOY, 0000
ROBERT N MCLAY, 0000
JILL P MCMULLEN, 0000
ROBERT S MEADOWS, 0000
BRIAN W MECKLENBURG, 0000
FAYE P MEYERS, 0000
CHRISTOPHER E MINETTE, 0000
GEORGE J MITCHELL, 0000
LASHAWNE M MITCHELL, 0000
JOHN J MOLL JR., 0000
MICHAEL J MONSOUR, 0000
WON K MOON, 0000
CRAIG A MORGENSTERN, 0000
KENNETT J MOSES, 0000
GEORGE P NANOS III, 0000
CHRISTOPHER S NASIN, 0000
MARJORIE C NASIN, 0000
JOEL NATIONS, 0000
MICHAEL T NEWMAN, 0000

BRICE R NICHOLSON, 0000
ROBERT J OBRIAN, 0000
NICHOLE M OLEKOSKI, 0000
ODETTE OLIVERAS, 0000
KENDAL R OLVEY, 0000
BRIAN A ONEAL, 0000
ETHEL L ONEAL, 0000
KEVIN P OROURKE, 0000
CHRISTOPHER A ORSELLO, 0000
KIMBERLY T OSHIRAK, 0000
EDWARD S PAK, 0000
THOMAS R PALUSKA, 0000
TRUDI PARKER, 0000
ERIC C PARLETTE, 0000
CHRISTOPHER A PARTRIDGE, 0000
JACQUELYN M PAYKEL, 0000
JONATHAN P PEARL, 0000
TAMMY J PENHOLLOW, 0000
SONJA A PENSON, 0000
JOSEPH L PEREZ, 0000
MARLOW PEREZ, 0000
CHARLES D PETERS JR., 0000
CARL E PETERSEN, 0000
SHAUN N PETERSON, 0000
JASON J PORTER, 0000
LAWRENCE H POTTER, 0000
CHARLES POWELL, 0000
GREGORY PRICE, 0000
MATTHEW T PROVENCHER, 0000
TERRANCE L PYLES, 0000
TIMOTHY M QUAST, 0000
SCOTT B RADER, 0000
ANDREA T RAHN, 0000
CLAYTON M RAMSUE, 0000
MARK J RAYBECK, 0000
CHARLES W RENINGER, 0000
DELORES Y RHODES, 0000
BRIAN R RILEY, 0000
DEMETRIUS P RIZOS, 0000
JOEL C ROBINSON, 0000
MATTHEW T ROBINSON, 0000
ANDREW L ROMANO, 0000
CHRISTINE ROMASCAN, 0000
STEVEN C ROMERO, 0000
MICHAEL T ROTHERMICH, 0000
RICHARD W RUPP, 0000
FARZANEH SABI, 0000
NICOLE P SAFINA, 0000
ALICIA R SANDERSON, 0000
JAMEY A SARVIS, 0000
ANTHONY SCHERSCHEL, 0000
LYNNETT L SCHINDLER, 0000
GERALD N SCHMUKER, 0000
DAVID T SCHRODER, 0000
ERICA G SCHWARTZ, 0000
ENRIQUE A SERRANO, 0000
MICHAEL SEXTON, 0000
MARK E SHELLY, 0000
WILLIAM H SHIH, 0000
MARSHALL S SHOOK, 0000
KATERINA R SHVARTSMAN, 0000
BRETT H SIEGFRIED, 0000
ESAN O SIMON, 0000
LESLIE V SIMON, 0000
JOHN W SISSON, 0000
SEAN C SKELTON, 0000
KELLY I SLATER, 0000
JOSEPH A SLIMAN, 0000
ELIZABETH J SMALL, 0000
THOMAS R SMARZ, 0000
CLAYTON M SMILEY, 0000
SILAS W SMITH, 0000
BRYAN M SPALDING, 0000
J W SPARKS, 0000
AGNES M STACIA, 0000
CHRISTOPHER M STAFFORD, 0000
WALTER A STEIGLEMAN, 0000
STEFANIE L STEVENSON, 0000
DOUGLAS W STORM, 0000
WILLIAM H STURGILL III, 0000
BRIAN M SULLIVAN, 0000
SEAN A SWIATKOWSKI, 0000
DENNIS C SZURKUS, 0000
ROBERT K TAKESUYE, 0000
CYNTHIA L TALBOT, 0000
JEFF J TAVASSOLI, 0000
BRIAN J TAYLOR, 0000
KRISTEN A TERRILL, 0000
KEITH E THOMPSON, 0000
KYLE A TOKARZ, 0000
JOHN D TRASK, 0000
CATHERINE TSAI, 0000
ANTHONY TUCKER, 0000
LUIS M TUMIALAN, 0000
JOHN VANSLYKE, 0000
CARLOS VILLAVINCENCIO, 0000
KRISTINA M VOGEL, 0000
EDWARD S VOKOUN, 0000
KARINA VOLODKA, 0000
ANNIE L WADE, 0000
PAUL F WARE, 0000
ERICH F WEDAM, 0000
JEFFREY P WEIGLE, 0000
DAVID R WHIDDON, 0000
ANDREW A WHITE, 0000
JENNIFER B WILKES, 0000
CARLOS D WILLIAMS, 0000
MICHAEL E WILLIAMS, 0000
JOHN WILLIAMSON, 0000
GORDON G WISBACH, 0000
PATRICIA H WOODEN, 0000
KRISTEN D YAKUBISIN, 0000
HOWARD M YANG, 0000
TINGWEI YANG, 0000
JI H YOO, 0000
DAVID N YUE, 0000
ELIZABETH A ZAPP, 0000
TIMOTHY P ZINKUS, 0000

CONFIRMATIONS

Executive nominations confirmed by the Senate September 17, 2003:

THE JUDICIARY

SANDRA J. FEUERSTEIN, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK.

RICHARD J. HOLWELL, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK.

STEPHEN C. ROBINSON, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK.

P. KEVIN CASTEL, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK.

R. DAVID PROCTOR, OF ALABAMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ALABAMA.