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Senate

(Legislative day of Monday, September 29, 2003)

The Senate met at 9:15 a.m., on the expiration of the recess, and was called to order by the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire.

PRAYER

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

Let us pray:

Majestic God, our hope of eternity, thank You for sunshine and cool breezes. Thank You also for knowing us and accepting us as we are. Make us today instruments of Your glory. Help each of us to pursue righteousness, godliness, faith, love, perseverance, and gentleness. Lord, take from us pride and conceit that make us legends in our own minds. Fill our Senators with Your spirit that their feet will not wander from the path of integrity. Give them comfort and direction when they are troubled or perplexed. Keep them from selfishness and give them the courage to live each day as Your children and as brothers and sisters to one another. Whisper words of counsel for their moments of decision. We pray this in Your holy name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN E. SUNUNU, 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.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 30, 2003.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire, to perform the duties of the Chair.

TED STEVENS,

President pro tempore.

Mr. SUNUNU thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning the Senate will immediately proceed to executive session and vote on two judicial nominations. The first vote will be on the nomination of Marcia Crone, to be a United States District Judge for the Eastern District of Texas. The second vote will be on the nomination of Ronald White to be a United States District Judge for the Eastern District of Oklahoma.

Following the two judge votes, the Senate will begin a period of morning business until 11:30 a.m. Following morning business, the Senate will resume debate on H.R. 2765, the District of Columbia appropriations bill.

I reiterate that it is our desire to complete the DC appropriations bill today. The managers have been here awaiting further action on the bill; however, Members have not come forward with their amendments. If Senators have concerns regarding the legislation, if Senators disagree with the underlying bill, I hope they will offer their amendments and allow the Senate to decide the issue and ultimately complete this bill.

Also, today the Appropriations Committee will be marking up the emergency supplemental request for Iraq's security. It is my intention to turn to the consideration of that measure as soon as it is available. Rollcall votes are therefore possible today and throughout the remaining sessions this week as we consider and complete our business with respect to the Iraq supplemental.

The Senate will stand in recess from 12:30 p.m. to 2:15 p.m. today for the weekly party conferences.

RESERVATION OF LEADER TIME

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

EXECUTIVE SESSION

NOMINATION OF MARCIA A. CRONE, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Marcia A. Crone, of Texas, to be United States District Judge for the Eastern District of Texas.

The ACTING PRESIDENT pro tempore. Under the previous order, there are now 2 minutes for debate equally divided prior to the vote on the nomination.

The Senator from Texas.

Mrs. HUTCHISON. Mr. President, it is my pleasure to speak in support of the confirmation of Judge Marcia Crone. She is a native of Dallas and alumna of the University of Texas. She will preside over a newly created seat

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



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in Beaumont where she has agreed she will make her home and stay for the duration of her term.

I know she will serve with distinction. Judge Crone is currently a U.S. Magistrate Judge in the Southern District of Texas serving in that capacity since 1992.

Marcia was valedictorian of her high school, Hillcrest High School in Dallas, a National Merit Scholar, and the valedictorian of the University of Texas class of 1973. She also graduated first in her class from the University of Houston Law Center in 1978.

Her outstanding educational accomplishments are also joined by accomplishments in her professional life. After graduating from law school, she joined the Houston-based firm Andrews & Kurth. Her specialties included product liability, breach of contract, oil and gas, and securities law. She became a partner in that firm where she remained until her appointment to the Federal bench.

Mr. President, is there another minute, or am I the only speaker?

The ACTING PRESIDENT pro tempore. One minute remains in opposition. The Senator's time has expired.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent, if there is no opposition, to take the final minute.

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

Mrs. HUTCHISON. Mr. President, as a U.S. Magistrate, Judge Crone has presided over a number of civil and criminal cases, ranging from employment discrimination to pretrial arraignments and detention hearings in felony cases. In her more than 10 years on the Federal bench, she has authored approximately 700 opinions, over 130 of which are published. She is an active member of the Houston community and bar association. She serves on the board of directors of the Garland Walker Inn of Court and is a mentor to Houston area law school students. She is also active in her church.

Marcia Crone meets the high standards to which we hold all Federal judges, and she has quite an impressive record. I am pleased that JOHN CORNYN, the other Senator from Texas, joins me in supporting the nomination of Marcia Crone, and I urge our colleagues to join us.

I yield the floor.

Mr. HATCH. Mr. President, I am pleased to speak in support of Marcia Crone, who has been nominated to the U.S. District Court for the Eastern District of Texas.

Judge Crone received a bachelor of arts degree, *summa cum laude*, from the University of Texas at Austin, graduating with a 4.0 grade point average and as valedictorian in 1973. She then graduated first in her class from the University of Houston Law Center in 1978, receiving a *juris doctor* degree, *summa cum laude*. After graduating from law school, she entered private practice, first as an associate and later

as a partner at the law firm of Andrews & Kurth, L.L.P. During her years in private practice Judge Crone represented both individuals and corporations, litigating primarily in the areas of labor law, employment law, products liability, and commercial litigation.

Judge Crone was appointed in 1992 as a Federal magistrate judge in the Southern District of Texas. She has presided over numerous trials in civil cases involving a wide range of issues, including securities fraud, employment discrimination, intellectual property rights, personal injury claims, contract disputes, admiralty, civil rights, insurance matters, social security appeals, and prisoner litigation. In her more than 10 years on the Federal bench, Judge Crone has authored approximately 700 opinions.

Judge Crone devotes substantial amounts of time to programs mentoring students from the three local law schools, giving them the opportunity to serve as interns in her chambers, judging mock trial and moot court competitions, and participating annually in the American Bar Association's Minority Judicial Externship Program. She previously served on the board of directors of the southeast Texas Chapter of the National Multiple Sclerosis Society and has performed volunteer work for a local adoption agency.

I have no doubt that Judge Crone's elevation to the district court will greatly benefit the Eastern District of Texas. I urge my colleagues to join me in supporting her nomination.

Mr. CORNYN. Mr. President, I rise in support of the nomination of Judge Marcia A. Crone to serve as U.S. District Judge in the Beaumont Division of the Eastern District of Texas.

Judge Crone is an outstanding nominee with a fine legal mind and fair judicial disposition. She has served as a U.S. magistrate judge in the Southern District of Texas since 1992. During her tenure on the Federal bench thus far, she has already authored approximately 700 opinions, over 130 of which are published. Prior to her service as a U.S. magistrate judge, she practiced law for 14 years.

She is an active member of several legal organizations in the Houston area. She is a native Texan and a mother of two. And she is an active participant in her community. She is a member of the Chapelwood United Methodist Church, the Houston World Affairs Council, and the P.T.A. at Second Baptist School, and a former member of the board of directors of the National Multiple Sclerosis Society.

In short, Judge Crone is an outstanding nominee with solid credentials and a reputation of fairness and impartiality. I support her nomination, and look forward to her distinguished service on the bench of the Eastern District of Texas, where the citizens of Beaumont need her good legal judgment and wisdom.

The ACTING PRESIDENT pro tempore. All time has expired. The ques-

tion is, Will the Senate advise and consent to the nomination of Marcia Crone, of Texas, to be United States District Judge for the Eastern District of Texas?

Mrs. HUTCHISON. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Tennessee (Mr. ALEXANDER) and the Senator from New Mexico (Mr. DOMENICI) are necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Illinois (Mr. DURBIN), the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Vermont (Mr. JEFFORDS), the Senator from Massachusetts (Mr. KERRY) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

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

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

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

[Rollcall Vote No. 369 Ex.]

YEAS—91

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

NOT VOTING—9

Alexander	Durbin	Jeffords
Biden	Edwards	Kerry
Domenici	Graham (FL)	Lieberman

The nomination was confirmed.

NOMINATION OF RONALD A. WHITE, OF OKLAHOMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF OKLAHOMA

The PRESIDING OFFICER (Mr. SMITH). Under the previous order, the clerk will report the next nomination.

The assistant legislative clerk read the nomination of Ronald A. White, of Oklahoma, to be United States District Judge for the Eastern District of Oklahoma.

The PRESIDING OFFICER. Under the previous order, there are now 2 minutes for debate equally divided.

The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I am happy to recommend, along with Senator INHOFE, the nomination of Ron White to be United States District Judge for the Eastern District of the State of Oklahoma.

Ron White has been a partner in a prestigious law firm in Tulsa, OK, for 17 years. He is eminently qualified.

He has considerable experience in major corporate litigation in Tulsa with sixty percent of his court appearances taking place in Federal court. He is a man of outstanding individual character, and the President could not have picked a more qualified person for this job.

A native of Sapulpa, Ron is a 1983 Phi Beta Kappa graduate of the University of Oklahoma. He earned his Juris Doctorate (Cum Laude) from the University of Oklahoma College of Law in 1986, where he was a member of the Order of the Coif Honor Society.

Ron is also very active in his community as a member of both the Philbrook Museum of Art Masters Society and the Tulsa Ballet Founders Society. In addition, he is on the Board of Directors of the Margaret Hudson Program, an organization that helps pregnant teens and young mothers finish high school.

Ron has been admitted to the Oklahoma Supreme Court, the U.S. District Court for Northern, Western, and Eastern Districts of Oklahoma, and the U.S. Court of Appeals. Furthermore, he has been rated "unanimously qualified" by the American Bar Association.

Ron is exceptionally qualified to serve as Eastern District Judge for the State of Oklahoma. The judicial system and our nation as a whole will benefit from his service. Senator INHOFE and I are pleased to recommend confirmation of Ronald A. White to the Senate.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I don't think there is any doubt but Ronald White is one of the most qualified nominees that we have been able to act on and confirm.

In addition to that, he comes from my hometown of Tulsa. I know him well and I know what he does. This is a generous person. He is famous for taking indigent cases and not charging fees.

The Margaret Hudson Program is a program to give alternatives to pregnant teens, and he gives his free legal counsel to that.

He is the type of person certainly deserving from his own personal lifestyle as well as his professional qualifications.

I heartily endorse him.

Mr. HATCH. Mr. President, I rise today to express my unqualified support for the nomination of Ronald White to the Eastern District of Oklahoma and to urge my colleagues to confirm this fine nominee.

Mr. White is a distinguished litigator. After graduating from the University of Oklahoma law school in 1986, Mr. White joined the law firm of Hall, Estill, Hardwick, Gable, Golden & Nelson in Tulsa. His practice has focused on litigation in the areas of tort and insurance defense, medical malpractice, corporate litigation, ERISA, and telecommunications. Mr. White is a well respected legal practitioner in his home State and he will make a fine addition to the Federal bench.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, with our votes on two more judicial nominees today, the Senate will have confirmed 60 judges in the 15 months that Republicans have controlled the Senate majority. In 17 months, when the Democrats were in the majority, we confirmed 100 judges. So that means between those confirmed under Republican leadership—60—and the 100 under Democratic leadership, we now have confirmed 160 in less than 3 years.

Incidentally, it approaches the 4-year total of President Reagan's first term.

I have expedited confirmation of another Oklahoma nominee, as I accommodated Senator NICKLES with four nominees when I was chairman, and I am happy to accommodate him now.

I hope the leadership will look to the two much needed nominees for the Southern District of California. That is the most overworked district in the entire Nation. For some reason, the leadership has not brought them up.

I wish they would. They should be considered on an expedited basis.

Last night, the Senate unanimously confirmed Judge Carlos Bea of California to a lifetime position on the United States Court of Appeals for the Ninth Circuit. He is the 29th circuit court nominee of President George W. Bush to be confirmed. With this number of confirmations, we have reduced the number of vacancies we inherited in the summer of 2001 in 8 of the 13 circuit courts and the number of vacancies in the other 5 courts has not increased, despite more than a dozen additional vacancies that have arisen since then. In contrast, during the Clinton administration, Republicans allowed the number of circuit court vacancies to more than double, increasing the number of vacancies on 9 of the 13 circuit courts.

As I mentioned last night, the Senate has confirmed 12 circuit court nominees of President Bush in this year alone, which is more circuit court confirmations than Republicans allowed in 5 of the 6 full years they controlled the Senate during the Clinton administration. Last night, the Senate confirmed the 58th judicial nominee of President

Bush this year, which is the same number as Republicans allowed in all of 1995. With the two confirmations we expect this morning, we will have confirmed more judicial nominees of this President this year than in 5 of the 6 years of Republican control of the Senate.

At the conclusion of the confirmation votes today, a total of 60 judicial nominees of President Bush will be confirmed this year, in addition to the 100 confirmations during 17 months of the Democratic majority in the Senate. This number of confirmations, 160, is significantly higher than Republicans allowed by the third year of President Clinton's second term, the most recent Presidential term, when they allowed 135 judicial nominees of that President to be appointed from 1997 through the end of 1999. That year, because the Republican chairman insisted that President Clinton nominate Utahan Ted Stewart to the district court, no nomination hearings were even held until the summer. In all, during the prior 6 years of Republican control of the Senate, 248 of President Clinton's district and circuit court nominees were confirmed but more than 60 were blocked from getting confirmation votes.

Despite this recent history, Democrats have supported the confirmation of 160 of President Bush's judicial nominees. As Senator FRIST observed on the floor of the Senate last week when six additional judicial nominees were confirmed: "Again, steady progress has been made with respect to these judicial nominations." The number of confirmations in the two home States of the nominees being voted on today supports that observation of the majority leader.

We have already confirmed 13 district court judges to the State of Texas and today we vote on the 14th judge appointed to the Federal trial courts in Texas, Magistrate Judge Marcia Crone. Despite her 11 years of service in the Southern District of Texas, Magistrate Judge Crone earned a partial "Not qualified" rating from the American Bar Association, ABA. In all, 23 of President George W. Bush's judicial nominees have received minority or majority ratings of "Not qualified" from the ABA, which is cause for concern. Sometimes we are able to deduce the basis of those ratings, but sometimes we cannot. It is too bad that the ABA will not provide us with the facts and factors behind such ratings. Without that information and based on the record we have before us, Magistrate Judge Crone garnered the bipartisan support of the Judiciary Committee.

Magistrate Judge Crone is nominated to 1 of the 15 new seats Democrats created to address increased caseloads around the country, and once she is sworn in there will be no vacancies in the district courts in Texas, a situation that Republicans would not allow when a Democrat was in the White House. In fact, had Democrats not created 15 new seats on the Federal courts when we

were in the majority last year, there would be fewer than 30 vacancies in the Federal courts today. As it stands, with the confirmations today, there will be 44 vacancies on the Federal bench, the lowest level reached for this President and indeed the lowest number of vacancies since 1990.

Similarly, with the confirmation of Ronald White to the district court in Oklahoma, Democrats will have supported the confirmation of a judge to a vacancy that arose last Thursday. Senator NICKLES has been eager to fill this vacancy, which occurred just four business days ago and we are accommodating him. When I chaired the committee we similarly worked hard to confirm four judicial nominees to vacancies in Oklahoma.

I must express concern, however, that the Republican leadership has chosen to move Mr. White's nomination to such a short-lived vacancy ahead of the nominees to the Southern District of California, seats that have been greatly needed for years. During the last period of Republican control of the Senate, they refused to create seats in California to address the growing crisis to that border court. As a consequence, this Federal court in San Diego has the highest caseload per judge in the Nation, by a significant margin; senior judges have been called into continued service handling a large number of cases; and one retired judge even passed away in the midst of the stressful and pressing caseload of that court. Republican neglect was part of their efforts to deny a Democratic President and any opportunity to fill those much-needed judgeships. I hope that the Republican leadership will turn to the southern California nominees it has now skipped without more delay.

Finally, I note that Mr. White is receiving far more favorable bipartisan consideration than the last Ronald White to be nominated to the U.S. District Court. Mr. White of Oklahoma is being confirmed within 4 months of his nomination, while Missouri Supreme Court Justice Ronnie White waited 28 months for a confirmation vote. Justice White, who now serves with distinction as the Chief Justice of the Missouri Supreme Court, was nominated by President Clinton to the Federal district court in June of 1997. The White House consulted at length with the home-state Senators and other officials in Missouri to find a consensus nominee and chose Justice White who was the first African American to serve on the highest court in Missouri. Senator BOND supported Justice White's confirmation and then-Senator Ashcroft advised that he would not hold his nomination.

However, the Republican chairman did not schedule a hearing for this district court nominee for almost a year. Then, after Justice White's nomination was reported favorably by the Judiciary Committee, which occurred almost a year after his nomination, the Repub-

lican leader refused to schedule a vote on the nomination. Justice White's nomination languished on the floor from May 1998 until the end of that year. He was renominated by President Clinton in January 1999, and the Republican chairman refused to place his name on the calendar for a vote for 6 months. Once his nomination was reported out favorably a second time the Republican leader again delayed a vote on his nomination for about 3 months.

Then, in a surprise move following a Republican caucus meeting in October 1999, Justice White nomination was defeated with every Republican voting in lock-step against his confirmation, without warning and even though some of these Senators had previously voted to report his nomination favorably to the Senate. Senator Ashcroft maligned Justice White as "pro-criminal," even though Justice White's record in criminal and death penalty cases on the Missouri Supreme Court was better than some of Senator Ashcroft's appointees to that court when he was governor. When President Bush nominated John Ashcroft to be Attorney General the outrageousness of the attack on Justice White was one of the issues we explored. Senator SPECTER apologized to Justice White for the way he was treated by the Senate.

Of course, more than 60 of President Clinton's other judicial nominees were never allowed a confirmation vote of any kind. Those 63 other nominations were scuttled by Republicans in the dark of night, through secret or anonymous objections. This was their preferred modus operandi. Republicans perfected the art of delay by defeat for President Clinton's circuit and district court nominees, blocked 63 while confirming 248 in the 6½ years of Senate control.

I think it is time that fair-minded Republicans acknowledge those Clinton nominees who were blocked from getting votes, nominations that constituted 20 percent of all judicial nominees in those 6 years. That record stands in stark contrast to ours, with 160 of President Bush's judicial nominees confirmed in less than 3 years, with only three blocked so far. The Senate's record on President Bush's judicial nominations is now 160 to 3. The Republican record on President Clinton's judicial nominees is 248 to 63. The facts demonstrate how effectively Republicans prevented confirmation votes on judicial nominees, behind closed doors and in secret. Democrats have voted and continue to vote on President Bush's judicial nominees in the light of day, with full discussion of the serious concerns that surround the extreme nominees of this President.

With a Republican making nominations, the Senate votes today to confirm Mr. White of Oklahoma to a seat that has been vacant for less than a week. With the delay and attack on President Clinton's nominee Justice White, Republicans were content to allow the Missouri District Court to re-

main vacant for 5½ years, like many other judicial vacancies that arose when a Democrat was in the White House and Republicans last controlled the confirmation process.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Ronald A. White, of Oklahoma, to be United States District Judge for the Eastern District of Oklahoma.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Tennessee (Mr. ALEXANDER) and the Senator from New Mexico (Mr. DOMENICI) are necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Vermont (Mr. JEFFORDS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) 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. 370 Ex.]

YEAS—93

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

NOT VOTING—7

Alexander	Graham (FL)	Lieberman
Domenici	Jeffords	
Edwards	Kerry	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business until the hour of 11:30 a.m., with the first half of the time under the control of the Senator from Texas, Mrs. HUTCHISON, or her designee, and the remaining time under the control of the Democratic leader or his designee.

Who yields time?

The Senator from Wyoming.

SUPPLEMENTAL APPROPRIATIONS
REQUEST FOR IRAQ

Mr. THOMAS. Mr. President, obviously one of the issues before us and the issue we will be grappling with for the remainder of the week—perhaps longer—is the question of supporting our troops in Iraq and continuing to deal with the war on terror in Iraq and Afghanistan. Certainly everyone agrees that these things have to be done. There are different views as to how they should be done. All of us have to review in our minds where we are, what the basic issues are that have us there, and certainly what is necessary to succeed in our efforts in the Middle East, particularly in Iraq and Afghanistan.

We have before us a request for \$87 billion for the war on terror. That will be dealt with this week, the division there between what is required for the military aspect and then what is required to complete our job in terms of leaving Iraq and Afghanistan in the condition in which democracy and freedom and a lack of terrorism will be where we are in the future.

It is good to go back and review some ideas. I would like to talk about where we have been, where we need to go to complete the task we undertook, and talk a little about what we are seeking to do in terms of leaving Iraq in a position to govern itself and to support freedom and peace, and about the fact that we hear all the time that there was no plan after combat was over. That is not true. There is a plan. The plan is in process. We certainly will continue to carry out that plan. We need resources to do that.

All of us are concerned about spending. All of us are concerned about the deficit. We find ourselves in a deficit situation for reasons that are fairly apparent. It started, of course, with September 11, which was something we had no control over, which increased special spending we would not otherwise have had. Then we were faced with an economic turnaround which caused additional impacts on our deficit and the economy. Then, of course, we continued to have more terrorism and our troops in Iraq.

I guess probably no one in this body is more conservative than I am in terms of spending, in terms of government's role and what we ought to be doing, but I do recognize that when you have special things, whether it is your business or your family or your government, then spending is done in a different way. That is where we are.

The stakes are high in Iraq, certainly. It is the center front now for the war on terrorism. Critical work remains to be done in Afghanistan as well. Terrorists and regime remnants are making a desperate attempt to maintain themselves and continue in these countries. The U.S. and its allies are confronting them where they live and where they seek refuge, rather than leaving the terrorists in the safe havens where they would like to gather strength and resources and come back as they did before.

Our troops—no one would disagree, I am sure—have to have the necessary resources for the war on terror, and the spending requests will give our troops in Iraq and Afghanistan the equipment they need to increase their safety and security, which happens to be the most important thing for us. This includes funding to replace equipment used that was destroyed during combat operations, to protect our forces, better housing for our troops deployed overseas, and enhanced pay, reflected in the dangers that we face.

Of course, we have been through these things before. Stabilizing Iraq and Afghanistan will increase our security at home and certainly help win the war.

As we understand, the war was not just combat but to change things in that part of the world. The costs of fighting terrorists are significant, but they still are a relatively small percentage of the overall economy compared to that of previous conflicts. According to an analysis done by USA Today, the cost of fighting the war is 5 percent of the GDP compared to 30 percent for World War II and 15 percent for the Korean war. The \$87 billion request is less than 4 percent of our entire Federal budget next year. Yet it is a critical part of this stabilization area we are in.

Initial estimates of Iraq's total need range from \$50 billion to \$75 billion. The administration believes \$20 billion represents our reasonable share as to what we ought to be doing to put the country back in reasonable shape, and we expect the rest of the costs, of course, to be filled by the international community, or by Iraq's own reserves, which are potentially very large.

So these funds will be carefully targeted to the immediate security needs, as well as the share of the critical infrastructure that has to be replaced in order to get the kinds of support there that we are looking for.

Iraq oil reserves are estimated at approximately \$12 billion in 2004 and \$19 billion for each of 2005 and 2006. So unlike many of the countries in that part

of the world, there are sizable resources that we hope will be part of this rebuilding exercise, and indeed should be.

President Bush has held the line on nondefense spending growth. In 2001, the last budget before President Bush took office, nondefense spending grew nearly 15 percent. He cut that growth to 6 percent in 2000, less than 5 percent in 2003, and 2 percent in 2004. Obviously, there is always controversy and different views and things that we would like to do in our home States and in our country. But, of course, obviously, they have to be balanced with our ability to pay and our willingness to tax.

Today's deficits are larger than anybody wants. No one wants deficits, but they are certainly still less than 5 percent of the GDP and are manageable if we put them into a steady downward path by strong economic growth and spending restraints. These are the issues with which we have to deal.

Certainly, the war on terrorism has to be funded. Freeing Iraq is the key to winning the terrorism war and vital to America. President Bush has asked for \$87 billion in emergency funding—a large amount, of course. The majority—\$65 billion—will go to directly support troops in Iraq and Afghanistan, give them more resources that they need. Again, no one would argue against giving our troops what is necessary for them to go forward. And \$21 billion would go to create a secure environment. It is high, but as I mentioned, things have changed and we need to do the job right and continue to work at doing it.

From time to time we hear that there really wasn't a plan or there is not a plan. There is a plan and we are following it. One of the issues, of course, is time. I don't know how you could plan that anybody would have a definite timeframe in terms of a plan for a place such as Iraq. But I think Secretary Rumsfeld covered it well when he commented some time back, a few days ago. These are some of his comments that I think are correct. He said the coalition has certainly, in less than 5 months, racked up a series of achievements in both countries and civil reconstruction that may be without precedent. Today in Iraq virtually all major hospitals and universities have been reopened; hundreds of secondary schools—until a few months ago many were used for weapons storage—have been rebuilt and are ready for the start of the fall semester. This is part of the plan to put these entities, of course, back into place.

Fifty-six thousand Iraqis have been armed and trained in just a few months. They are contributing to the security and defense of the country. Today a new Iraqi army is being trained, and 40,000 Iraq police will join with that army to conduct joint controls with the coalition. Contrast that to the 14 months it took to establish a police force in postwar Germany and

the 10 years it took to begin training a new German army.

Again, this is part of the plan to add stability and provide the opportunity for Iraqis to be able to control their own country and their own people and move forward. As security improves, so does commerce. Five thousand small businesses have opened since the liberation on May 1. An independent Iraqi central bank was established and new currency was announced in just 2 months. These are accomplishments which took years before in Germany. The Iraq governing council has been formed and they appointed a cabinet of ministers—again, something that took years to do in other times.

So this is the plan and the movement to get government back into place there, to have security for themselves, to have people trained to do what has to be done in a country that is independent and standing alone. In major cities and most of the towns, villages, and municipalities, councils have been formed to make the decisions on local matters. That is something that it took a great deal of time to do before, and you would imagine that it would.

But all this has taken place in just 5 months. Again, I don't think anybody can specifically say we are going to be done by the 14th of March in 2005, or whatever, but we are moving very quickly. There is a plan as to what needs to be in place. The Iraqi people are providing intelligence now for our forces every day. Division commanders consistently report an increased numbers of Iraqis coming forward with intelligence that makes it more likely that we can find the terrorists and get them out of positions, and so on. So there has been a great deal of advancement.

There has been great talk about the need for more troops. Those in the military have declared that is not necessary. If we are going to have more, they need to come from other countries that are involved. The commander of the Marine division in the south area decided to send home 15,000 troops and explained if there is a point when he needs them, he can get them. So there hasn't been the shortage that is felt by the military.

Again, we are moving forward and making some progress in that area. That is what it is all about—to continue to reach the visions that we have for Iraq and against terrorism.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Wyoming. We are beginning a very important week. We are going to be talking about what is happening in Iraq and the President's request for \$87 billion and added funding.

A lot of people are saying: Wow, \$87 billion. But it is important for us to look at what that \$87 billion is going to do.

First of all, \$66 billion is for our troops. That is for our troop protec-

tion, equipment, making sure they have everything they need to do the job we are asking them to do over the next year. I don't think there is anyone in this Congress who would deny the President a dime of the money that is going to our troops to make sure they have everything they need to do one of the toughest jobs I have ever seen.

I was in Iraq and I was in Afghanistan in August. In Iraq and Afghanistan, our troops are in harm's way every day—every moment, really. I just woke up this morning to the news that two of our wonderful military personnel have been assassinated in Afghanistan. It is a very tough place. We are having to deal with a Taliban that has rejuvenated its efforts, and they are now into drug dealing. They are preying on the police in Afghanistan. If somebody doesn't deal with them, they are murdering them, assassinating them because they want the drug trade.

Why do they want the drug trade? They want the drug trade because that is how they are going to finance the terrorist operations around the world. That is why they are trying to raise money in this illicit way. What could be more important to the security of our people than to stop the drug trafficking in Afghanistan and stop the resurrection of the Taliban?

In Iraq, we see on a daily and weekly basis the harm our young men and women are in. We need to make sure they have the capability to do the job we are asking them to do. That is what the President is asking for, and that is what we will give him.

The other \$20 billion is what most people are talking about. How much should we be giving to rebuild Iraq and how should it be done? Those are the questions we are going to hear on the floor. The Appropriations Committee right now is marking up the bill that will come to the floor, hopefully tomorrow.

This is a legitimate area of disagreement. Most certainly people can reasonably ask the question: Why are we putting \$20 billion into Iraq? There are things we need in America.

The first responsibility of the Congress of the United States and the President is to provide for the security of our people, to provide for a national defense. This is national defense. If we can stabilize Iraq and stop Iraq from being a breeding ground for terrorism, that is a United States security interest. That is why putting the money into the rebuilding of Iraq so that the people will be able to start having an economy, and if they have electricity, water, and basic living conditions, we also will begin to see the startup of business. We hope the oilfield infrastructure will be repaired or rebuilt. It is in much worse shape than we ever thought it would be. We want to rebuild the oil infrastructure so when the Iraqis get the oil out of the ground, it will give jobs to the Iraqi people. They will be able to use it and export it, but

it also means other businesses will crop up to service those oil wells and the delivery of that oil.

We are talking about the beginning of an economy for Iraq. If we don't put \$20 billion into the rebuilding of Iraq, what will those people have to do? How can they start their economy from scratch? How can they start the creation of jobs if the oil pipelines are being held together with rags and cannot deliver the oil?

It is a package of \$87 billion that will be for the security and support of our troops, and for the rebuilding of Iraq which, in turn, will allow our troops to leave earlier but with the knowledge that the people of Iraq will have stability, that Iraq will not be a breeding ground for terrorism, and that they will have a justice system and a security system in place with their own policemen and their own army to protect their borders from the terrorists who are infiltrating their borders from Syria, Saudi Arabia, and Iran.

This is a very important bill, it is a very important request from the President, and it is important that we give to the President what he needs to do the job Congress has given him the authority to do. Congress gave the President the right to declare war on terrorism. Congress declared the war. The President is implementing that war, and we are going to have to give him the support he asks us to give. It would be unthinkable to walk away with the job not yet completed.

I am very pleased to be supportive of the President and this effort, even though it is a difficult situation and a lot of questions have been raised.

Mr. President, we have had a good beginning. We have had the beginning of 6,000 individual reconstruction projects. Schools, universities, and hospitals have been opened. They are not up to the standards we hope they will be, but it was important for the Iraqi children to start school; it was important they have health care services. We have gone in to augment the opening of those facilities.

Iraq is also in the process of transitioning to a governing council. We hope they will be able to form their own government, create their own constitution, have representatives of their people for whom they can vote. That is what we hope to leave them.

We have made a very strong beginning. If we look at where we started, which was absolutely a deteriorating infrastructure, we are making progress. What we hear about in the news is very disconcerting. We hear about a terrorist putting a landmine in a road and it blows up one of our people or one of their people. We hear of terrorists tearing down the electricity grids and cutting the water supply. This shows, if nothing else does, that this is the terrorists' last stand. They do not want the United States to succeed. They do not want the Iraqi people to have a stable lifestyle. They want there to be foment and unrest. They

want people who are desperate for change. We are not going to let them win. That is why this bill is so important.

I am pleased to talk about the important accomplishments and the importance of what we are doing in Iraq. The President and Congress must come together and do what is right for the security of the American people, and doing what is right means we will give the President the money which he has asked for the rebuilding of Iraq and for the protection and support of our troops in the field.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I thank the Senator from Texas. She certainly expresses the view of at least all of us on this side of the aisle in terms of the challenge we have before us and our willingness to take on that challenge and to complete this task we have begun in the protection of our country.

There are probably a number of questions that are frequently asked with regard to this issue. They should be discussed, and indeed they have been discussed. So, frankly, I hope we do not string this issue out any longer than it needs to be. We should have a reasonable debate and get on with what we need to do. I am very hopeful, as well, that the idea of some of the discussion is not designed to be political. Unfortunately, many issues do that. These are genuine issues. They are not political issues.

Some of the questions that are asked: Why can we not provide the resources for the troops and let the Iraqis do their own thing with their infrastructure? I think one of the differences we have, that we might not have with some other place, is Iraq has suffered from decades of corruption and mismanagement from Saddam, where he built dozens of lavish palaces for himself and his family and funded destruction programs. He involved himself in war in Kuwait, and he failed to invest in the country's critical infrastructure. As a result, more than \$100 billion in debt is unable to be tapped for their own resources. The stability of Iraq and Afghanistan is what is important so that they are no longer the breeding grounds for terrorism.

So it is important that we are helpful in restructuring the things that have not been done for many years prior to our involvement there.

Some ask: Why is rebuilding Iraq costing more than the administration said it would? Has the administration been honest about their analysis of the costs?

Again, that is a legitimate question. Under Saddam, Iraq was one of the most tightly controlled and secretive societies in the world. Until the country was liberated, it was hard to know exactly how much internal damage or neglect had been suffered in everything from the electrical grid to water and sewage. In addition, rebuilding efforts

have been hampered, of course, by the remnants of the regime and foreign terror groups that are there. It has been very difficult, in the long term, to understand what these costs would be.

What are other countries realistically going to contribute to the reconstruction effort, and what are the expectations for the Madrid donor conference? It seems as if there is now more support for doing something in terms of restructuring than we had in the combat stage. We expect that many members of the community will participate, as well as some international financial institutions and organizations, such as the United Nations. Quite frankly, when we start doing this I believe we will see some of the European economic interests there. Some of them were there before in a business sense, and they will return again. We have had discussions with these donors individually, and they are planned for the conference. We also need to review the assessments being done by the U.N.

What is our exit strategy? Again, that is a very difficult issue, particularly on timing. We know what we want to accomplish, but it is not always easy to know how long it will take to achieve those kinds of things.

After 9/11, the President told the American people that he would confront the threats to our Nation before they reached our shores. Our troops are performing a vital task right now, and that is what they are doing. They are liberators, not occupiers. We bring freedom to those oppressed people and help the Iraqi people. It is interesting that all we hear about are the difficult times—and there are difficult times, and I understand that. The media, or whoever it is, speaks of those difficult and tragic things at the top of the news. The improvements that are being made and the support that is there is not always as well understood as are the difficulties.

So I think we are making good progress. As we have pointed out, in just 5 months many things have happened that need to be done. The more that happens, the more support we will have from the Iraqi people, and we can begin to move rather soon.

We have enough forces in the region. That is always a question that is being asked. I mentioned it before, but in the professional judgment of the military commanders, who are the ones who really know, the 130,000 troops recently in Iraq can carry out the mission. Some of the marines have been sent back to the United States, knowing that if they are needed, of course, they could go there.

One of the last figures I heard was about 25,000 troops from other countries are there, and that is a good thing. Of course, we are dealing with an action at the United Nations, so there will be more input from the United Nations into what we are doing, and I think that is good.

So these are some of the questions that are asked, and I think they are indeed legitimate questions.

No one wishes we were there. We all wish the whole terrorism thing had not happened, but it has, and the Senator from Texas mentioned why we do not want it to happen in our country. We need to deal with terrorism where it exists and not to let it happen here. I am hopeful that this is an issue we can deal with, and deal with it in a timely way.

THE UNFINISHED AGENDA

Mr. THOMAS. We have a lot of work to do. We have six or seven appropriations bills that we have passed. We have 13 total to do. This is the last day of the fiscal year. We will have to pass a continuing resolution to go on into October, but we certainly need to continue to work on that and get that completed as soon as we can. It is very important we do that.

There are several other bills, of course, that are pending that all of us feel strongly about. The Medicare bill is pending and we need to do something with pharmaceuticals. There is a great difference of opinion as to how we do that. The bottom line is that everybody knows we need to do something for Medicare, particularly pharmaceuticals, to make them available at a reasonable cost to as many people as we possibly can. So those issues are pending.

I have a particular interest in energy because of my committees and because of where I live. Wyoming is an energy-production State. We look forward to being able to do more of that. We are in the process of an energy policy and had planned to get that completed this week. The House and the Senate have both passed energy bills. Most everyone knows we need an energy policy. We have not passed one for a good many years, and things have changed substantially. So we really need to deal with it.

One of the issues I believe is important, that we are talking about, is an energy policy. We are not talking about every detail. We are not talking about everything tomorrow. We are talking about an energy policy that will give us some guidance into where we are 10, 15, 20 years from now. Obviously, things are going to change and indeed have changed. We have seen a number of the problems: the blackouts, the cost of gasoline, the shortage of natural gas, the things that happened in California. Those are part of what we are talking about, but we are also talking about the future. In this bill, we have things that have to do with renewable energy, finding ways to use wind energy, finding ways to use ethanol to extend the use of gas. We are talking about renewables. We are talking about doing some things with hydro and making that more accessible to much of the country.

Obviously, one of the questions we have is how to move energy around the country. It has to do with the blackouts and has to do with California. We

are talking about, how transmission can be operated, how to get new transmission incentives to invest in transmission costs. We find ourselves in a position of using more electricity, for example, but not really keeping up production to meet our demands. In some parts of the country—for instance, Wyoming—where we have lots of coal, we could generate a great deal of electricity, but then there has to be a way to move it to the market. Those have been very difficult things.

We have to have research. I mentioned coal. We ought to have more research so we can ensure that coal is clean and we can have clean air as we generate that fossil resource that is the most abundant resource we have in fossil fuel. We need then, of course, in the shorter term, to continue to encourage production. We find ourselves almost 60 percent dependent on foreign oil. We have a good deal of oil in our country and we need to find ways to extract more of that, keeping in mind at the same time the protection of the environment.

We can do that. There is ample evidence we can do that. So we have to deal with things such as incentives for unusual kinds of oil and gas that are more expensive to discover and to produce. We have to look at what we can do with the potential resources in Alaska, for example, whether it be having gas available from there, build a pipeline down so it is there, or whether we talk about ANWR. These are places where there are substantial sources of energy but they are not really available to us. These are some of the things we need to talk about.

We had a bill last year in both Houses. We had a committee working on it last year. We were not able to produce a policy. This year, the same thing is happening. We passed something in the Senate; there was something else passed in the House. We need to put together the differences, and there are differences, quite a few in terms of the amount of ethanol we use and the subsidies that are there for ethanol.

We have been talking about what to do about electricity and how much authority they have in the Federal Energy Regulatory Commission. That is controversial—how we can develop techniques, given regional differences in energy, without having the Federal Government in charge of everything we do. These are called regional transmission organizations, where the States can make the decisions within that for interstate movement. Then when you move between the RTOs, there has to be some Federal involvement.

These are some problems that are not insurmountable. We can get them done. Of course, not everyone is going to agree on every detail, but that is not uncommon in the Senate. We have to give away some things. Some things are different in Alabama or Oregon, and we need to reconcile those dif-

ferences and put together a national energy policy.

That is our challenge. I mention that to emphasize that hopefully we will not be here forever. We will be able to adjourn this session, hopefully in November sometime—early November, if we are lucky, or later. We have a lot to do prior to that time, but we can do it if we will bring it to the floor, if we have our legitimate concerns voiced in legitimate debates, but not just hold up legislation for various political reasons. I think that makes us look inefficient and unaware of what we have to do, and we have a great deal to do.

I believe our time has expired. 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. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. SPECTER. Mr. President, I further ask unanimous consent that I may speak as in morning business.

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

FUNDING FOR IRAQ

Mr. SPECTER. Mr. President, I have sought recognition to discuss the pending administration request for \$87 billion, including some \$20 billion for the rebuilding of Iraq. At the present time, the Appropriations Committee is considering this request and soon the matter will be on the floor. I urge my colleagues to give consideration to the proposition that the \$20 billion to be advanced to rebuild Iraq ought to be in the form of either a loan or a loan guarantee. I understand this is contrary to the administration's position at the present time, but there may be some receptivity in the administration or, in any event, it is my thought that the Congress ought to consider this as an alternative in the spirit of trying to be helpful to the administration in working through the very difficult issues we are facing at the present time.

There is no doubt that the appropriation for the military is a matter of necessity as it has been outlined by the President. There is a strong universal commitment in the Congress to backing our troops. We compliment them on the extraordinary job they have done in the military victory in Iraq, and we compliment them further on their ongoing efforts to try to restore law and order, try to establish a peace to maintain. It is a highly regrettable situation that our military find themselves in a position of being police, responsibilities for which they are not trained and responsibilities which ought to be undertaken by others.

It is my hope that there will be assistance from countries such as Turkey

and Pakistan, Muslim countries, to give more confidence to the Arab world, or that we will work through an arrangement with the United Nations so that there will be some sharing of the burden of rebuilding Iraq, so that when it comes to the funding for the military, there is universal agreement and certainly my support for that appropriation.

The issue as to rebuilding Iraq, I submit, stands on somewhat different terms. As I think through the issue of funding the rebuilding of Iraq, I think about the analogy of a bankruptcy proceeding. There is no doubt that Iraq as a country is bankrupt. They have latent assets, sitting on the second largest oil pool in the world, but they do not have a government in existence. They cannot function. They are bankrupt.

When the argument is made that we should not further burden Iraq beyond the \$200 billion in debts which they have at the present time, the analogy to bankruptcy would say that those debts are owed to creditors that are general creditors, unsecured. When there is a bankruptcy, there are no funds to pay those creditors. They come last in line. If there are no funds, they simply get no funds.

On that subject, while not dispositive and not critical, I think it ought to be noted that some of these debts were incurred in a context where the lending parties knew they were supporting a totalitarian and dictatorial regime which had used chemical warfare on their own people, the Kurds, had used chemical weapons in the Iran-Iraq war, a regime which was brutalizing the Iraqi people.

In a very realistic sense, people who were loaning money to Saddam Hussein in a context knowing that is where the funds were going were accessories before the fact to some very heinous conduct. In a very fundamental way, as a matter of public policy, they are not entitled to be reimbursed for funds advanced in that context.

Some of those moneys are owed by way of reparations to Kuwait and others. They stand on a somewhat different footing. But all of those funds are in a category, if it were a bankruptcy proceeding, of creditors that would take no assets when there are no assets to be taken. There is a further argument advanced that if the United States makes loans, then there would be no motivation or no leverage for the United States to get other donor nations to make contributions.

In a meeting, as I understand it, scheduled in Madrid for October 23, the United States will be pressing other nations to make contributions. If we are to have a chance to get contributions from other nations, it seems to me that we ought not to make a blanket grant at the present time of \$20 billion but ought to condition any such grant on getting cooperation and getting support from other countries. If the United States is to put up the \$20

billion on our own without any commitments from other countries, there is the inevitable sense that the other countries say: Well, the United States is doing it. They are putting up \$20 billion. Let them put up that money and whatever else is required.

So the argument that if we condition the loans on collateral security or if we condition the money on a loan situation and look for collateral security that we will discourage other donors is essentially fallacious.

The argument is also advanced that if we make loans, we will be reinforcing the view of the Arab world that the only reason we went to Iraq was for the Iraqi oil. We are not utilizing the Iraqi oil for U.S. purposes. We are not asking that the Iraqi oil be used to pay our military expenses. We are asking only that the Iraqi oil be used to rebuild Iraq—that is, to rebuild Iraq for the Iraqi people. So that it just is not plausible that we could be legitimately charged.

The PRESIDING OFFICER. The time for morning business has expired.

EXTENSION OF MORNING BUSINESS

Mr. SPECTER. Mr. President, I have been asked by the leader to ask unanimous consent that morning business be extended until 12:30, with the time equally divided; provided further that the Senate then recess under the previous order.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I note the Senator from New York is on the floor. So I ask unanimous consent to speak for just 10 additional minutes so as to not unduly burden my colleague.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SCHUMER. I appreciate my colleague's courtesy.

Mr. SPECTER. Mr. President, I will make my points and conclude within 10 minutes. I was on the point that some may charge the United States is there looking for the benefits from Iraqi oil. So long as we use the proceeds for the benefit of the Iraqi people, I don't think anybody can realistically make that argument.

One factor is difficult, and that is, with whom would we contract to make the loan? I must confess that gives me some pause. When a trustee takes over, a trustee is appointed by the court. If a trustee takes over a company that has been mismanaged, or where the directors or officers have committed fraud, the trustee has *carte blanche* to run the company—in this case, run the country. I believe it would be possible for the United States to undertake what we are doing here, under the watchful eye of others, because others will be watching—we can count on the French for that, if for little else, and we can count on the Germans for that,

if for little else. Under the watchful eye of others, we can discharge the fiduciary duty as trustees, and we are good for our word, and we are honorable, and we are there to help the Iraqi people.

While some may doubt that, we can prove it, so that what we do would be used for the benefit of the Iraqi people. There are other ways we might find somebody to contract with. It is my hope the efforts now by Secretary of State Colin Powell to bring in a U.N. resolution will be successful. We have learned from our experience that it is regrettable we could not get the U.N. Security Council to support our military action.

Going back to October 11 of last year, this Senator supported an amendment that would have gone back to the U.N. to try to get more multilateral action. It is true we led a number of nations—"the coalition of the willing"—but it was essentially the U.S. and Great Britain. While it was not quite unilateral, it didn't have the level of multilateral activity which would have been desirable. It is nonnegotiable that our troops would not be under any command other than the United States. But when it comes to the reorganization of Iraq and to what is going to happen in Iraq with respect to how contracts are going to be disbursed and the administration of Iraq, it is my hope the United States can show sufficient flexibility to get other nations to participate. If the United Nations is in, there might be the structure of someone with whom to contract to have these loans instead of grants. I am exploring the issue as to whether the International Monetary Fund or the World Bank might be able to come into the picture at least to have a quasi-trustee status, someone who could oversee the matter, perhaps even contract on behalf of Iraq. These are matters to be explored.

I am advised that the International Monetary Fund is precluded from coming in in the absence of a sovereign, but that if the U.N. passes a resolution, there might be a sufficient basis for the International Monetary Fund to come in. In any event, these are complexities. There are no easy answers.

It is my hope the Senate and the House will give consideration to trying to structure something that would be on the basis of a loan, or perhaps a loan guarantee. We have the precedent with Israel. We are not making grants, we are making loan guarantees. Why should we do more for Iraq than we are doing for Israel with the loan guarantees?

I know that time is a consideration and there is an effort to pass this appropriations bill this week. That may or may not happen. At a meeting of the chairmen yesterday, there was doubt expressed as to whether it could be accomplished this week. We do know we have passed the Defense appropriations bill so that the Department of Defense has some \$368 billion to operate. The

aspect of this bill on funding the Department of Defense may not require immediate action, although I would not delay it. I am prepared to move ahead this week and decide all of the issues if we can resolve it this week.

I think there is time to give consideration to a structure of the loan or a loan guarantee. I have consulted with a professor of bankruptcy to refresh my own recollection and my own knowledge on the subject and have been told the concept, the analogy to a bankruptcy, is solid; that there is another concept of "creditor in possession," which would provide an analog in bankruptcy law for us to operate. And as we take a look and search through the possibilities of finding someone to act on behalf of the Iraqi government, I am not suggesting the council that has been created has sufficient authority to contract; but perhaps if we obtain a resolution from the United Nations, we might work in the International Monetary Fund, or the World Bank, or we may be able to structure some circumstance so the loan could be effectuated, or a loan guarantee could be effectuated.

My soundings in my State, and what I hear from colleagues around the country, is the American people have grave questions about our policy in Iraq at the present time, questions about our military being in harm's way, questions about the casualties and fatalities that are occurring, questions about the United States advancing \$20 billion to Iraq at a time when we have a very tight Federal budget.

There is talk about the \$20 billion, some suggesting for additional domestic programs to offset \$20 billion. I do not think now is the time, given the kind of national debt and deficit we are looking at, to be adding more money to domestic spending. Within the past month, I defended on the floor the \$137 billion bill on Labor, Health, Human Services and Education and voted against many amendments I would like to have supported on increased education funding, health funding, or worker safety funding. But managing that bill, I opposed those amendments to stay within the budget resolution.

When we talk about a grant to Iraq for \$20 billion, there are inevitable questions on how much of that money will go for schools in Iraq, contrasted with how much money is going to be going for school construction in the United States. So I think it would be an act of generosity to make loans, an act of generosity to make loan guarantees. I understand there is considerable support in this body to make an outright grant, but as we consider this issue for the balance of the day and the balance of the week, I ask my colleagues to give consideration to the possibility of making a loan or making a loan guarantee.

As a matter of interest, how much time remains, Mr. President?

The PRESIDING OFFICER. The Senator has 15 seconds remaining.

Mr. SPECTER. I yield back that time.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I thank my colleague for his words and his thoughts. His sense of timing is exquisite, realizing he had only 15 seconds left. I always enjoy listening to him. I appreciate his remarks and thank him for his courtesy.

APPOINTMENT OF SPECIAL COUNSEL

Mr. SCHUMER. Mr. President, I came to the Chamber this morning because I thought we would be on the DC appropriations bill and was prepared to offer a sense-of-the-Senate amendment to that bill concerning the appointment of special counsel to conduct a fair, thorough, and independent investigation into a national security breach.

I ask unanimous consent that my amendment be printed in the RECORD.

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

(Purpose: To express the sense of Congress concerning the appointment of a special counsel to conduct a fair, thorough, and independent investigation into a national security breach)

At the appropriate place, insert the following:

SEC. ____ SENSE OF CONGRESS CONCERNING THE APPOINTMENT OF A SPECIAL COUNSEL TO CONDUCT A FAIR, THOROUGH, AND INDEPENDENT INVESTIGATION INTO A NATIONAL SECURITY BREACH.

(a) FINDINGS.—Congress finds that—

(1) the national security of the United States is dependent on our intelligence operatives being able to operate undercover and without fear of having their identities disclosed by the United States Government;

(2) recent reports have indicated that administration or White House officials may have deliberately leaked the identity of a covert CIA agent to the media;

(3) the unauthorized disclosure of a covert CIA agent's identity is a Federal felony; and

(4) the Attorney General has the power to appoint a special counsel of integrity and stature who may conduct an investigation into the leak without the appearance of any conflict of interest.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Attorney General of the United States should appoint a special counsel of the highest integrity and stature to conduct a fair, independent, and thorough investigation of the leak and ensure that all individuals found to be responsible for this heinous deed are punished to the fullest extent permitted by law.

Mr. SCHUMER. Mr. President, now I am told the bill has been delayed because this amendment was going to be offered. I am going to talk about the amendment and have a dialog with my colleague from California.

On July 23, I believe it was, when I read the Novak column that named high administration sources as revealing the wife of Ambassador Wilson, Ms. Plame, as an agent—I hasten to add, I don't know if she is a covert agent. That is classified. But that is what was

in the paper—I was outraged. I didn't know who had leaked the information. No idea. I am not an expert on the internecine rivalries among the various agencies, but the fact it was done just boiled my blood. So I wrote the FBI and asked Mr. Mueller to undertake an investigation of this act. The act, make no mistake about it, is a very serious act. In fact, it is a crime, punishable by up to 10 years in prison.

Why is it a crime? Why have this body and the other body made this a crime? For obvious reasons. Our covert agents put their lives at risk for us every day. They are soldiers just like our brave young men and women in Iraq and around the globe. And in the post-9/11 world, the world of terrorism, they are among our most important soldiers because we have learned intelligence is key. When the name of an agent is revealed, it is like putting a gun to that agent's head. You are jeopardizing their life; in many cases, you are jeopardizing the lives of the contacts they have built up over the decades, and you are jeopardizing the security of America. So the seriousness of this crime is obvious.

When, in addition, we learned that it was done in all likelihood for a frivolous, nasty reason—namely, that somebody was angry at Ambassador Wilson for speaking the truth, at least as he saw it—I tended to agree with him. I don't think anybody disputes it. In fact, the administration has admitted, the yellow cake sale from Niger to Iraq and the documents were, in fact, forged and the President was incorrect to use them in his State of the Union Address. This was a way of getting back at him through his wife or perhaps to cover him to make sure he didn't speak any further. Nasty. Not just nasty, it was like kneecapping.

In fact, John Dean, who has been through this, just wrote an article in something called TruthOut Editorial. The title is "The Bush Administration"—that is assuming it was done by the administration, but that is what all the reports are—"Adopts a Worse-than-Nixonian Tactic: The Deadly Serious Crime of Naming CIA Operatives."

I ask unanimous consent that Mr. Dean's article be printed in the RECORD.

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

[From TruthOut, Aug. 15, 2003]

THE BUSH ADMINISTRATION ADOPTS A WORSE-THAN-NIXONIAN TACTIC: THE DEADLY SERIOUS CRIME OF NAMING CIA OPERATIVES

(By John W. Dean)

On July 14, in his syndicated column, Chicago Sun-Times journalist Robert Novak reported that Valerie Plame Wilson—the wife of former ambassador Joseph C. Wilson IV, and mother of three-year-old twins—was a covert CIA agent. (She had been known to her friends as an "energy analyst at a private firm.")

Why was Novak able to learn this highly secret information? It turns out that he didn't have to dig for it. Rather, he has said, the "two senior Administration officials" he

had cited as sources sought him out, eager to let him know. And in journalism, that phrase is a term of art reserved for a vice president, cabinet officers, and top White House officials.

On July 17, Time magazine published the same story, attributing it to "government officials." And on July 22, Newsday's Washington Bureau confirmed "that Valerie Plame . . . works at the agency [CIA] on weapons of mass destruction issues in an undercover capacity." More specifically, according to a "senior intelligence official," Newsday reported, she worked in the "Directorate of Operations [as an] undercover officer."

In other words, Wilson is/was a spy involved in the clandestine collection of foreign intelligence, covert operations and espionage. She is/was part of an elite corps, the best and brightest, and among those willing to take great risk for their country. Now she has herself been placed at great—and needless—risk.

Why is the Administration so avidly leaking this information? The answer is clear. Former ambassador Wilson is famous, lately, for telling the truth about the Bush Administration's bogus claim that Niger uranium had gone to Saddam Hussein. And the Bush Administration is punishing Wilson by targeting his wife. It is also sending a message to others who might dare to defy it, and reveal the truth.

No doubt the CIA, and Mrs. Wilson, have many years, and much effort, invested in her career and skills. Her future, if not her safety, are now in jeopardy.

After reading Novak's column, The Nation's Washington Editor, David Corn, asked, "Did senior Bush officials blow the cover of a U.S. intelligence officer working covertly in a field of vital importance to national security—and break the law—in order to strike at a Bush administration critic and intimidate others?"

The answer is plainly yes. Now the question is, will they get away with it?

Bits and pieces of information have emerged, but the story is far from complete. Nonetheless, what has surfaced is repulsive. If I thought I had seen dirty political tricks as nasty and vile as they could get at the Nixon White House, I was wrong. The American Prospect's observation that "we are very much into Nixon territory here" with this story is an understatement.

Indeed, this is arguably worse. Nixon never set up a hit on one of his enemies' wives.

LEAKING THE NAME OF A CIA AGENT IS A CRIME

On July 22, Ambassador Wilson appeared on the Today show. Katie Couric asked him about his wife: "How damaging would this be to your wife's work?"

Wilson—who, not surprisingly, has refused to confirm or deny that his wife was a CIA operative—answered Katie "hypothetically." He explained, "it would be damaging not just to her career, since she's been married to me, but since they mentioned her by her maiden name, to her entire career. So it would be her entire network that she may have established, any operations, any programs or projects she was working on. It's a—it's a breach of national security. My understanding is it may, in fact, be a violation of American law."

And, indeed, it is.

The Espionage Act of 1917 and the Intelligence Identities and Protection Act of 1982 may both apply. Given the scant facts, it is difficult to know which might be more applicable. But as Senator Schumer (D.NY) said, in calling for an FBI investigation, if the reported facts are true, there has been a crime. The only question is: Whodunit?

THE ESPIONAGE ACT OF 1917

The Reagan Administration effectively used the Espionage Act of 1917 to prosecute

a leak—to the horror of the news media. It was a case that instituted to make a point, and establish the law, and it did just that in spades.

In July 1984, Samuel Morrison—the grandson of the eminent naval historian with the same name—leaked three classified photos to *Jane's Defense Weekly*. The photos were of the Soviet Union's first nuclear-powered aircraft carrier, which had been taken by a U.S. spy satellite.

Although the photos compromised no national security secrets, and were not given to enemy agents, the Reagan Administration prosecuted the leak. That raised the question: Must the leaker have an evil purpose to be prosecuted?

The Administration argued that the answer was no. As with Britain's Official Secrets Acts, the leak of classified material alone was enough to trigger imprisonment for up to ten years and fines. And the United States Court of Appeals for the Fourth Circuit agreed. It held that such a leak might be prompted by "the most laudable motives, or any motive at all," and it would still be a crime. As a result, Morrison went to jail.

The Espionage Act, though thrice amended since then, continues to criminalize leaks of classified information, regardless of the reason for the leak. Accordingly, the "two senior administration officials" who leaked the classified information of Mrs. Wilson's work at the CIA to Robert Novak (and, it seems, others) have committed a federal crime.

THE INTELLIGENCE IDENTITIES AND PROTECTION ACT

Another applicable criminal statute is the Intelligence Identities Act, enacted in 1982. The law has been employed in the past. For instance, a low-level CIA clerk was convicted for sharing the identify of CIA employees with her boyfriend, when she was stationed in Ghana. She pled guilty and received a two-year jail sentence. (Others have also been charged with violations, but have pleaded to unrelated counts of the indictment.)

The Act reaches outsiders who engage in "a pattern of activities" intended to reveal the identities of covert operatives (assuming such identities are not public information, which is virtually always the case).

But so far, there is no evidence that any journalist has engaged in such a pattern. Accepting Administration leaks—even repeatedly—should not count as a violation, for First Amendment reasons.

The Act primarily reaches insiders with classified intelligence, those privy to the identity of covert agents. It addresses two kinds of insiders.

First, there are those with direct access to the classified information about the "covert agents" who leak it. These insiders—including persons in the CIA—may serve up to ten years in jail for leaking this information.

Second, there are those who are authorized to have classified information and learn it, and then leak it. These insiders—including persons in, say, the White House or Defense Department—can be sentenced to up to five years in jail for such leaks.

The statute also has additional requirements before the leak of the identity of a "covert agent" is deemed criminal. But it appears they are all satisfied here.

First, the lead must be to a person "not authorized to receive classified information." Any journalist—including Novak and Time—plainly fits.

Second, the insider must know that the information being disclosed identifies a "covert agent." In this case, that's obvious, since Novak was told this fact.

Third, the insider must know that the U.S. government is "taking affirmative measures to conceal such covert agent's intelligence

relationship to the United States." For persons with Top Secret security clearances, that's a no-brainer: They have been briefed, and have signed pledges of secrecy, and it is widely known by senior officials that the CIA goes to great effort to keep the names of its agents secret.

A final requirement relates to the "covert agent" herself. She must either be serving outside the United States, or have served outside the United States in the last five years. It seems very likely that Mrs. Wilson fulfills the latter condition—but the specific facts on this point have not yet been reported.

HOW THE LAW PROTECTS COVERT AGENTS' IDENTITIES

What is not in doubt, is that Mrs. Wilson's identity was classified, and no one in the government had the right to reveal it.

Virtually all the names of covert agents in the CIA are classified, and the CIA goes to some effort to keep them classified. They refuse all Freedom of Information Act requests, they refuse (and courts uphold) to provide such information in discovery connected to lawsuits.

Broadly speaking, covert agents (and their informants) fall under the State Secrets privilege. A Federal statute requires that "the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure." It is not, in other words, an option for the CIA to decide to reveal an agent's activities.

And of course, there are many good reasons for this—relating not only to the agent, but also to national security. As CIA Director Turner explained in a lawsuit in 1982, shortly after the Intelligence Identities Act became law, "In the case of persons acting in the employ of CIA, once their identity is discerned further damage will likely result from the exposure of other intelligence collection efforts for which they were used."

THE WHITE HOUSE'S UNUSUAL STONEMANING ABOUT AN OBVIOUS LEAK

In the past, Bush and Cheney have gone ballistic when national security information leaked. But this leak—though it came from "two senior administration officials"—has been different. And that, in itself, speaks volumes.

On July 22, White House press secretary Scott McClellan was asked about the Novak column. Offering only a murky, non-answer, he claimed that neither "this President or this White House operates" in such a fashion. He added, "there is absolutely no information that has come to my attention or that I have seen that suggests that there is any truth to that suggestion. And, certainly, no one in this White House would have given authority to take such a step."

So was McClellan saying that Novak was lying—and his sources were not, in fact, "two senior administration officials"? McClellan dodged, kept repeating his mantra, and refused to respond.

Later, McClellan was asked, "Would the President support an investigation into the blowing of the cover of an undercover CIA operative?" Again, he refused to acknowledge "that there might be some truth to the matter you're bringing up." When pressed further, he said he would have to look into "whether or not that characterization is accurate when you're talking about someone's cover."

McClellan's statement that he would have to look into the matter was disingenuous at best. This ten-day old column by Novak had not escaped the attention of the White House. Indeed, when the equation was first raised, McClellan immediately responded, "Thank you for bringing it up."

As David Corn has pointed out, what McClellan did not say, is even more telling than what he said. He did not say he was trying to get to the bottom of the story and determine if it had any basis in fact. He did not say the president would not tolerate such activities, and was demanding to know what had happened.

Indeed, as Corn points out, McClellan's remarks "hardly covered a message from Bush to his underlings: don't you dare pull crap like this." Indeed, they could even be seen as sending a message that such crimes will be overlooked.

Frankly, I am astounded that the President of the United States—whose father was once Director of the CIA—did not see fit to have his Press Secretary address this story with hard facts. Nor has he apparently called for an investigation—or even given Ambassador and Mrs. Wilson a Secret Service detail, to let the world know they will be protected.

This is the most vicious leak I have seen in over 40 years of government-watching. Failure to act to address it will reek of a cover-up or, at minimum, approval of the leak's occurrence—and an invitation to similar revenge upon Administration critics.

CONGRESSIONAL CALLS FOR INVESTIGATION SHOULD BE HEEDED

Senator Dick Durbin (D-IL) was the first to react. On July 22, he delivered a lengthy speech about how the Bush Administration was using friendly reporters to attack its enemies. He knew this well, because he was one of those being so attacked.

"Sadly, what we have here," Durbin told his colleagues, "is a continuing pattern by this White House. If any Member of this Senate—Democrat or Republican—takes to the floor, questions this White House policy, raises any questions about the gathering of intelligence information, or the use of it, be prepared for the worst. This White House is going to turn on you and attack you."

After Senator Durbin set forth the evidence that showed the charges of the White House against him were false, he turned to the attacks on Ambassador and Mrs. Wilson. He announced that he was asking the chairman and ranking member of the Senate Intelligence Committee to investigate this "extremely serious matter."

"In [the Administration's] effort to seek political revenge against Ambassador Wilson," Durbin said, "they are now attacking him and his wife, and doing it in a fashion that is not only unacceptable, it may be criminal. And that, frankly, is as serious as it gets in this town."

The House Intelligence Committee is also going to investigate the Wilson leak. "What happened is very dangerous to a person who may be a CIA operative," Congressman Alcee Hastings (D-FL), a member of the Committee, said. And the committee's chairman, Porter Goss (R-FL), a former CIA agent himself, said an investigation "could be part of a wider" look that his committee is taking at WMD issues.

In a July 24 letter to FBI Director William Mueller, Senator Charles Schumer (D-NY) demanded a criminal investigation of the leak. Schumer's letter stated, "If the facts that have been reported publicly are true, it is clear that a crime was committed. The only questions remaining to be answered are who committed the crime and why?"

The FBI, too, has confirmed that they are undertaking an investigation.

But no one should hold their breath. So far, Congress has treated the Bush Administration with kid gloves. Absent an active investigation by a grand jury, under the direction of a U.S. Attorney or special prosecutor, an FBI investigation is not likely to accomplish anything. After all, the FBI does not

have power to compel anyone to talk. And unless the President himself demands a full investigation, the Department of Justice is not going to do anything—unless the Congress uncovers information that embarrasses them into taking action.

While this case is a travesty, it won't be the first one that this administration has managed to get away with. Given the new nadir of investigative journalism, this administration has been emboldened. And why not? Lately, the mainstream media has seemed more interested in stockholders than readers. If Congress won't meaningfully investigate these crimes—and, indeed, even if it will—it is the press's duty to do so. Let us hope it fulfills that duty. But I am not holding my breath about that, either.

Mr. SCHUMER. Mr. President, this is serious stuff, and I was furious. I had no idea who had done it at that point in time. "High administration official" can mean a whole lot of things. So I wrote the letter to Mr. Mueller and publicly called on him for an investigation.

I learned shortly thereafter that for such an investigation to proceed, the CIA had to fill out, I think it is, an 11-point questionnaire about the person named, what they did, and what was revealed. Of course, last week it came out on television and in the newspapers that the CIA had asked for an investigation. The logical, though not certain, conclusion of that, of course, is that they believe a crime might well have been committed; that Ms. Plame, indeed, was hurt by the revelation, and that it was illegal to reveal it.

I cannot tell you how many people I have talked with in this body and throughout the country who are just outraged by this—just outraged. The attitude that seemed to be indicated by the administration spokesperson yesterday—oh, we get plenty of leaks, and this is just one of them, and we investigate all of them—is even more infuriating.

This is not an ordinary leak. I challenge any of my colleagues on either side of the aisle to bring to me the situation where someone in a high administration position leaked the name of an agent and jeopardized their life, their contacts, and America's security. This is a totally different ball of wax. This is not just a leak. This is a crime, plain and simple.

Mrs. BOXER. Will the Senator yield?

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

Mr. SCHUMER. Mr. President, I will be happy to yield to my two colleagues in just a minute.

Even the White House saying, "We will fire whoever did it," is not sufficient. If you have a company and someone is suspected of murder and they say, "If we find out they are convicted of murder, we will fire them," would that be a sufficient enough punishment? Absolutely not.

What we have here is an attitude: Let's sweep this under the rug, let's make sure nobody says much about it, and maybe it will go away.

I yield first to my colleague from Nevada.

Mr. REID. Mr. President, I have a question. Will the Senator yield?

Mr. SCHUMER. I will be happy to yield to my colleague from Nevada for a question.

Mr. REID. Mr. President, I say to my friend from New York, I have been at a meeting with the Iraqi Governing Council, and I was stunned when I came back to the Senate Chamber and was advised by my staff that we are no longer on the DC appropriations bill. We are suddenly in morning business until our weekly caucuses.

I say to my friend from New York, why in the world would someone be afraid to vote on an amendment the Senator from New York and others are going to offer that says: Let's take a look at this; let's find out what happened? We know there was a crime committed. I don't use those words often. I know there was a crime committed. It is only a question of who did it. Why wouldn't our friends on the other side of the aisle allow a debate on this issue? It is not as if we are taking away heavy business. We have been vouchered out from doing the DC appropriations bill.

I say to my friend from New York, what fear does the majority in the Senate have in allowing an amendment the Senator from New York wishes to offer? Why can't we debate this amendment?

Mr. SCHUMER. I thank my colleague for the question. I have asked myself the same question. I was told first that the reason the DC appropriations bill has not been put forward is that they are afraid of this amendment. This is a pattern. This morning—

Mr. REID. I say to my friend—pardon the interruption, through the Chair—afraid of what? Of the truth?

Mr. SCHUMER. That is what the signs seem to indicate. This morning, I was asked to go on the "Today Show" and talk about this issue. They asked a whole bunch of Republican Senators. None would appear. They asked the administration to send somebody. No one would appear. Again, the attitude seems to be: Let's shrug our shoulders and hope this goes away.

I will make one other point to our colleague. Our President has made it his hallmark of defending our troops. That is why we are debating or we will be debating the money for them. That is why we will be debating all of this. Every CIA agent is one of our troops, and for the President to not address this directly, for the President to have his spokesperson say this is one of a whole lot of leaks, to say if they find out who it is, they will be fired—well, I just ask my colleagues to think about this. Let us say they were certain it would cause no damage to them, that these high administration officials were somewhere far away. Do my colleagues think we would have the same attitude from our Commander in Chief, and one who correctly prides himself in protecting our troops?

So it makes one scratch one's head and say, What are they worried about?

Why will they not get to the bottom of this? This, again, as my colleague has said, is very likely a crime, and a serious crime.

I read my colleagues what President Bush, Sr., the 41st President, said about this type of crime. He ought to know because, of course, as we all know, he was head of the CIA before he was President.

I have nothing but contempt and anger for those who betray the trust by exposing our sources. They are, in my view, the most insidious of traitors.

Do we just answer, this is a leak like every other leak when dealing with traitors?

Mr. REID. Will the Senator yield for one more question?

Mr. SCHUMER. I will be happy to yield for a question.

Mr. REID. I came in past the 11:30 hour. Is it true then that we find ourselves in a situation, from a parliamentary standpoint, that the Senator cannot offer his amendment? Is that what the Senator is telling me?

Mr. SCHUMER. If my colleague from Nevada will yield, that is exactly right.

Mr. REID. The Senator has worked on this all morning. I know, as well as yesterday. I had a conversation with him yesterday. We were to go back into legislative business at 11:30. That right has been taken away from us by the majority. They will not even let the Senator offer an amendment in legislative session. Is that true?

Mr. SCHUMER. That is exactly true.

I would be happy to yield to my colleague from California for a question.

Mrs. BOXER. I thank the Senator so much for yielding. I have a few questions. What I want to do is make a 4- or 5-minute statement and then ask three or four questions and hope the Senator can answer them in his inimicable fashion.

First, I thank Senator SCHUMER so much for picking up on this issue. I remember reading about this in July and just scratching my head. I essentially thought: This cannot be true. I cannot believe that someone in the White House would reveal the identity of a person who is working at the CIA undercover. Whether she is an analyst, an operative, or an agent, it matters not, but certainly someone whose identity had never been revealed. I thought: This cannot be happening.

To be honest, I should have done more about it, but I did not, and thank the Senator for writing to the head of the FBI, for whom I have a great deal of respect, and letting him know this.

Here are my questions: As I look at this, I think, why would someone do this? Well, clearly the idea behind attacking Ambassador Wilson's wife was that Ambassador Wilson gave the White House news they did not want to hear, which was that there was really no proof that Saddam Hussein was getting nuclear materials from Niger. They did not want that answer; it was kind of a kill-the-messenger type of response; and in order to get back at

him, they out his wife, which is despicable and a crime, but I think it is about arrogance and it is about intimidation.

We have seen the arrogance, but it is the intimidation factor I want the Senator to comment on because this is not only about this one incident—in which clearly Ambassador Wilson was correct, by the way—but it is a signal that is sent, really, frankly, to everyone in politics that nothing is off limits if someone crosses us: We will go after their wife; we will go after their kids.

I have to say to my friend, he is a family man, I am a family woman. We are in this world—God knows how and why but we are in it—and we are willing to take the hits and everything else, but the lowest form of politics is if someone comes after your kids or your spouse. I resent it, and I want my colleague to comment on those two areas.

I also ask him to comment on a third one, and that is the whole struggle that women are having in this world of ours to enhance our careers, to break the glass ceiling, to go into fields that are maybe a little bit unusual. I do not have the statistics at my fingertips, but if we look at the number of women who are FBI agents, I can tell my colleague that it is very few. I used to know the exact number. I do not want to throw out a number, but it is way less than a third, as I remember.

So we have a circumstance where there is a woman in a nontraditional field doing her work, obviously not getting credit for it. She is working incognito at the CIA, whatever her work is, and she is going up the ladder. Maybe she has a tremendous future. Well, probably the future in that field has been harmed, if not totally destroyed, and maybe her life or other lives that she touched in her work are in danger.

So we are talking about a number of issues—yes, the crime that was committed, but the whole idea of intimidation to people who might take on this administration, the whole idea of going after someone's family when we know, as public servants, what our families mean to us and how we protect them from whatever befalls us, the hits, the pain, and other things that happen. We asked for it. We are in this arena.

So I hope my friend will perhaps talk about that. It is a human tragedy beyond the crime, and I ask my friend to comment.

Mr. SCHUMER. I thank my colleague for her thoughtful, incisive, and from-the-heart-type comments. I will comment on them.

The one I would like to focus on a little bit is the intimidation. The greatness of this democracy through the centuries has been the structure the Founding Fathers set up which allows debate on the issues. It is wonderful.

If we had to think of a sentence at the core of America, it might be: We believe in the competition of ideas, and the best idea will win out. Free speech, that is the competition of ideas in its

pure form. Free enterprise, that is the competition of economic ideas. Freedom of religion, that is the competition of spiritual ideas. Democracy is the competition of political ideas. When we no longer have that, the democracy frays.

When people are afraid to say what they think, not because their arguments will be answered directly but, rather, because they will be hit below the belt, we have the beginnings of the fraying of the democracy, and that is what is happening.

I hate to say this, but this administration seems to have a peculiar penchant to attack someone's patriotism when they disagree. I have basically been a supporter of the President on the war and foreign policy, but for those who disagree, there has been not just, here is why you are wrong and let me tell you why—there has been some of that—but in addition there is an impugning of motive, an impugning of character, a kneecapping. One of the reasons this issue resonates so is that it is the worst of that.

Now, about our families, of course, they should be off limits. I will tell a little story, and then I will yield to my colleague from Iowa. But the points of my colleague from California are so good.

When I ran for the Senate in 1998, my daughter was starting ninth grade in a new high school. My worry was she was going to start in September. If, God willing, I won the primary, the next day I knew that my opponent, who was known as a hardball political player, Senator D'Amato, my predecessor—with whom I now get along quite well, I am happy to say—would go after me. My greatest worry, and the No. 1 reason I debated not to run, was that I thought she would be new in high school, with a whole bunch of new people, and she was going to a different high school, not in Brooklyn but in Manhattan, and people would not want to be friends with her because they would see these horrible things being said about her father on television. Of course we talked it over with Jessica, too, who was a mature 10th grader then—now she is in college and doing great—and we decided to run. As it turns out, they did run all the nasty ads. The morning I won the primary I turned on the TV and there they were. It didn't affect her or her friends. That is the worry we had.

What they are trying to do here is send the message that even your family is not off limits, perhaps. That is a horrible message. That frays democracy, just as does the inability to dissent.

I respected Ronald Reagan. When you asked Ronald Reagan something, if he disagreed with you he would say exactly why: Well, I am against Head Start because I think parents should be in charge of their children until they are 5.

All too often in this administration they don't answer directly. In fact,

they will get up and say, "We love Head Start," and then they will cut the money.

So the candor, the debate on the merits, seems to be going away, and that worries me about the future of this country. This incident is an apotheosis of that, both in terms of intimidation, in terms of going after family, in terms of being malicious, and in terms of saying our political agenda is more important than the lives of the people fighting for us—in this case, in the intelligence agencies.

I am happy to yield to my colleague from Iowa for a question.

Mr. HARKIN. I thank my friend from New York for yielding for a question. I am proud to be a cosponsor of the amendment that the Senator is trying to offer. I came over to the floor from the Appropriations Committee meeting to speak on this amendment. Evidently, I now find out, I understand—am I correct, I ask my friend from New York, that the majority, Republican side, has extended this period of morning business which will keep you from offering this amendment? Is that correct?

Mr. SCHUMER. That is correct.

Mr. HARKIN. Again, I am proud to cosponsor the amendment. I think it gets to the heart of the matter, and that is to try to get a special counsel to look into these serious allegations.

I noted earlier the Senator from New York had quoted from former President George Herbert Walker Bush on leaks. I think there is another quote from a former Senator, John Ashcroft, now Attorney General, in which he said:

You know, a single allegation can be most worthy of a special prosecutor. If you are abusing government property, if you are abusing your status in office, it can be a single fact that makes the difference on this.

John Ashcroft, October 4, 1997, on CNN, Evans and Novak, "A single allegation can be most worthy of a special prosecutor."

As I understand it, the allegation here is not someone has abused government property, not that someone has engaged in some murky real estate deal in timberland someplace, this is an allegation that someone high up in this Government—we don't know where, but someplace high up in the Government, having access to classified information, leaked to one or more reporters, columnists, news people, the name of a CIA agent. That is the allegation, is it not?

Mr. SCHUMER. That is exactly the allegation.

Mr. HARKIN. It would seem to this Senator that allegation is of such import that everyone here ought to support the Senator's sense-of-the-Senate resolution. I say to the Senator, I view it with nothing short of amazement that the other side would want to stop this. I would think everyone here would want to get to the bottom of this.

I ask the Senator, again, is it the Senator's judgment that somehow we

are not being allowed to bring this up for a vote? Does the Senator intend to pursue this, to make sure we do speak as a Senate on this?

Mr. SCHUMER. I thank my colleague for asking that question. Indeed, whenever the DC appropriations bill comes up, I am going to bring up this sense of the Senate.

I thank him for bringing up something else. I don't want this to be a partisan issue. When I first wrote the Director of the FBI, I had no idea who put this in there. I just wanted to get to the bottom of it because I was so outraged at the tactic. What I think we ought to be doing is getting the special counsel because the special counsel is the way to certainly remove any appearance of a conflict, and perhaps a conflict itself. Attorney General Ashcroft, whom you quoted, is known as a close political ally of the President's. There is an argument that the Attorney General should be removed from the President and be a lawyer for the Nation. And there is an argument that the Attorney General should be a close political ally of the President. Democrats and Republicans—it has not been a Democratic or Republican issue.

John Kennedy appointed his brother as Attorney General. But when you appoint an Attorney General who is a close political ally and friend, and when something sensitive with conflicts of interest occurs, then you have an obligation, in my judgment, to move for a special prosecutor. You pay a price, in a certain sense. You gain things by having a political ally as Attorney General, but you also lose things, and you lose the guise of independence, the actuality of independence.

My colleague is so right. The best thing that could happen is we pass this resolution unanimously, we all work together to get a respected independent counsel—someone like a John Danforth or a Warren Rudman or a Sam Nunn or a George Mitchell—and then they go forward with their investigation. I think every one of us on this side of the aisle, as well as the other, would be content that the chips will fall where they may so this dastardly crime, and that is what it is, will be exposed.

This idea of not bringing up such a resolution, of not wanting to debate it, of, again, maybe casting aspersions on the motivation of those who are for it—we have 14 or 15 of us, and we will have more—is going to make the American people think: Wait a minute, maybe they are worried; maybe there is something to hide—which there may or may not be.

I thank my colleague.

Mr. HARKIN. I thank my colleague for responding. I have a couple more questions.

I appreciate what the Senator just said. There have been some allegations made. I don't know whether or not this is some partisan effort or something like that. We know that a law has been broken. There is a clear law against

leaking the names of our intelligence agents, and it is punishable by 5 years—or 10?

Mr. SCHUMER. Ten.

Mr. HARKIN. Ten years or a \$50,000 fine. A crime has been committed.

I say to the Senator, here we are going on day after day, and there is a lot of stuff going around the White House and the Attorney General's office. Is it the judgment of the Senator that this could really be brought to the forefront rapidly? I say because of a statement that was made on ABC News—The Note. They had an interesting question. They asked: Has he [has the President] insisted that every senior staff member sign a statement with legal authority that they are not the leaker and that they will identify to the White House legal counsel who is?

It seems to me the President of the United States can say: Sign this. Are you the one who called or not? And this will be over with by 4 o'clock this afternoon.

Mr. SCHUMER. I thank my colleague for that. That is what the President ought to do. This President—I mentioned this earlier to my colleagues, when I was having a dialog with my colleague from Nevada—is known for defending our troops. That is what we are talking about with \$87 billion. That is a good thing.

Our CIA agents are our troops, just as our soldiers are our troops. In fact, after the war, after 9/11 and the global fight against terrorism, they are even more important because intelligence is so important.

It seems to me that it would be logical for this President to do just what the Senator said—to say: You know, yes, we have to have a legal investigation, but I want to get to the bottom of this immediately because this conduct is reprehensible.

I don't believe the President was involved in this. I disagree with him politically. It doesn't seem part of his character. But he should sure want to get to the bottom. He does not address it at all. His spokesperson comes out there and says: Oh, these are leaks just like all the others. We will find out and we will fire him.

One wonders.

Mr. HARKIN. I thank the Senator. One wonders. The President, it seems to me, would want to get this over with in a hurry by finding out who the person is who leaked this and let the legal recourse then follow. But at least expedite this right away and get rid of that person.

The PRESIDING OFFICER (Mr. SESSIONS). The 30 minutes allotted on this side has expired.

Mr. SCHUMER. I ask unanimous consent, since there is no one from the other side, that we be given an additional 10 minutes.

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

Mr. SCHUMER. Thank you, Mr. President.

Mr. HARKIN. Mr. President, I know other Senators want to engage the Senator from New York. I thank him for his leadership on this. I know of the Senator's longstanding support for our law enforcement and for making sure that those who violate the trust of public office are brought to justice. That is what this is about. This is a gross violation. This is not some little real estate deal someplace.

I ask the Senator: Maybe it is not so much that the wife of Mr. Wilson is identified, and she may be safe here in the United States. I don't know about her travels abroad. That may be restricting her freedom in the future. But what about the contacts she made and her sources around the world? What is going to happen then? What will happen to our intelligence agents around the world today if they think they are going to be "outed" sometime by this administration or some other administration? What happens to our war on terrorism?

Mr. SCHUMER. I thank the Senator. I so much appreciate my colleague's intelligence and integrity and passion which he brings to so many different issues. He is exactly right. Even if this agent should decide to retire, the damage would be great because other agents would think: Maybe I will get in trouble. What will I get in trouble for? Speaking the truth?

We depend on truth in our intelligence services more than just about anything else. President after President has said one of the keys to governing well is good intelligence that will tell you when you are off base as well as when you are on base. It is so serious. The Senator is exactly right. This transcends any one person. It transcends any specific person because it goes to the integrity.

I say to my colleague one other thing: From what I understand, our intelligence services are livid because this happened.

Mr. HARKIN. They should be.

Mr. SCHUMER. I don't know for a fact. But my guess is there was great debate in the CIA because it was a tough thing to do given that "high administration sources" were implicated. But the anger among the Agency is red hot, as I understand it, and with good reason.

I thank my colleague. I would be happy to yield to my colleague from Florida for a question.

Mr. NELSON of Florida. Mr. President, I wanted to pick up on something the Senator from New York said. I can best illustrate it with Veterans Day and Memorial Day when we typically are commending those young men and women in uniform. We have to modify that now because of the war in Afghanistan and the war in Iraq. We commend the young men and women not only in uniform but in the service of their country, because the CIA was the first to go into Afghanistan. They were all over Afghanistan before we ever went in with our military forces. They are

working in conjunction with our military forces. Indeed, the first American to be killed in Afghanistan was Mike Spann, a CIA agent.

What we are dealing with, lest folks get this all mixed up with politics, is a crime of the most serious nature because it jeopardizes the security of the United States and its people. When someone's identity is suddenly revealed and is an agent of the U.S. Government, their life is in jeopardy and the lives of their contacts are in jeopardy. That is the gravity of this leak. That gets lost in all of this. He said, she said, and so forth is just branded as politics. But we are dealing with the lives of people.

As in any normal criminal proceeding, if a violation of law is thought to have occurred, then let us allow the cops to investigate and let us bring that person in front of the responsible judicial tribunals. The question is, which cops will be able to investigate and get to the truth? If you leave it to the professional law enforcement people, they will. But isn't it sad that we have to be concerned that political influence will direct that investigation?

Whatever turn it takes, what the Senator from Florida is standing for is I know our people want to get to the truth, and it ought to be the professional law enforcement investigators who determine what is the truth. That is why I wanted to come and support the Senator.

Mr. SCHUMER. I thank my colleague. Again, he is on the money. That is all we seek here now—the truth.

The spokesperson for the President, Mr. McClellan, said we are referring it to the Justice Department and the professionals. If you look at the chain of command, it goes right up to the Attorney General.

As I mentioned earlier, the Attorney General is a close political ally with the President. There is nothing wrong with that. That is one model of the Attorney General. But it certainly sacrifices the appearance of independence, and perhaps independence itself particularly goes very high up.

Why we have asked for a special counsel is very simple: It is to allow professional law enforcement to do the job unfettered so they know they will not pay a price if they pursue it completely and fully. That would entail a special counsel of great legal background and sterling reputation for independence and integrity. I think it would behoove the administration to do that.

There are all sorts of doubts now. Are they telling the truth about this, that, or the other thing when it comes to foreign policy? Were we to appoint a special counsel, people would say: Yes, maybe they are.

But I will say this: The effort to sort of sweep this under the rug and say, oh, this is just one of the leaks that occurs every day, that makes me angry, to be honest with my colleague. That is un-

fair not only to the CIA agent in question but to the thousands of intelligence agents across the globe who at this moment, as my good colleague points out so correctly, are defending just as our soldiers are defending us and are more needed than ever before.

That is why in the intelligence community there is such livid anger because this occurred. My guess is—this is just my guess—that is why Mr. Tenet requested the investigation. My guess is that in his head he was saying, Oh, boy, this is going to get me in trouble the way, say, Janet Reno may have gotten in trouble with the previous President, the Attorney General from the Senator's State. But he knows that the integrity of the intelligence service is important. My guess is that is why he did it. Maybe that is why it took a bit more time than I had imagined when I first requested this on July 24. But he did request it.

Now our obligation to the thousands of brave men and women who are in our intelligence services and risking their lives is to get to the bottom of it with a fearless, complete, and thorough investigation.

Mr. NELSON of Florida. Will the Senator further yield for an additional comment? It is not only, interestingly, those who are directly in the services of the CIA now, but it is also the retirees.

I will never forget being in an almost deserted embassy in Islamabad, Pakistan, after September 11. I heard my name being called. I turned around, and I saw an elderly looking gentleman, and he recalled how we knew each other back when I was in the House of Representatives.

I said: What in the world are you doing here?

We were getting ready to do a raid in 5 cities simultaneously that night, of which we got 50 al-Qaida, and we got the No. 3 guy. And, lo and behold, he was a retired CIA agent they brought back in the aftermath of September 11, when we were trying to catch up until we could get the new guys trained. They reached out, and they got the old guys who had all the knowledge.

Mr. SCHUMER. Right.

Mr. NELSON of Florida. So we are talking about the protection of the interests of this country, and not only those in the active service right now but those who are retired who in times of emergency are called back as well.

Mr. SCHUMER. I thank my colleague. Well said. It is a tribute to how familiar he is with our intelligence services and how many from his State serve in the intelligence community.

I was glad to hear, for instance, that these days, on the college campuses, signing up for intelligence is a coveted thing.

The PRESIDING OFFICER. The 10 minutes have expired.

Mr. SCHUMER. Mr. President, I ask unanimous consent that we be given another 5 minutes.

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

Mr. SCHUMER. Thank you, Mr. President.

There are lines to join the intelligence services, sort of as there were after World War II, when some of our best and our brightest wanted to go into our services.

I will tell you, if politics can be played—and those of us asking for an investigation are not playing politics; it was the people who outed this agent, if, indeed, that is proven to be true, who were playing politics—but if that is allowed to prevail, it is going to hurt our intelligence agencies in many more ways than one.

I thank my colleague.

Mr. President, I would just make two points. No. 1, I will continue to make an effort to bring up this amendment. It has now been printed in the RECORD. I ask my colleagues on both sides of the aisle to read it. We were judicious in our language. It does not have any kind of political language or diatribe. It just states the facts. I would hope we could get colleagues from both sides of the aisle to sponsor it.

And I would hope we could move it forward—move it forward quickly—as a message because that is all it can be, but as a message to the President that we need a thorough, complete, and fearless investigation, and that only a special counsel can do that for us.

With that, 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.

The PRESIDING OFFICER. In my capacity as a Senator from the State of Alabama, I ask unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:16 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

The PRESIDING OFFICER. The Senator from Ohio.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ORDER OF PROCEDURE

Mr. GREGG. Mr. President, I ask unanimous consent that following the reporting of the DC appropriations bill,

Senator SCHUMER be recognized to offer an amendment on independent counsel; further, that there be 2 hours of debate equally divided in the usual form, with no amendments in order to the amendment; provided further that following the use or yielding back of time, the majority leader or his designee be recognized in order to raise a point of order against the amendment.

The PRESIDING OFFICER. Is there objection?

The Senator from Nevada is recognized.

Mr. REID. Mr. President, reserving the right to object. I appreciate the majority allowing this to go forward in this manner. Otherwise, we would have been here all day in a rugby scrum until we arrived at this point. Anyway, I appreciate the cooperation of the majority.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2004—Resumed

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2765) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, and for other purposes.

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

AMENDMENT NO. 1790

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER], for himself, Mr. DASCHLE, Mr. REID, Ms. MIKULSKI, Mr. ROCKEFELLER, Mr. LEAHY, Mr. LEVIN, Mr. NELSON of Florida, Mr. KENNEDY, Mr. DURBIN, Mr. BAUCUS, Mr. HARKIN, Mr. BAYH, Mr. HOLLINGS, Mr. BIDEN, Mr. LAUTENBERG, Mr. SARBANES, Mr. BINGAMAN, Mr. KERRY, Mr. WYDEN, and Mr. GRAHAM of Florida, proposes an amendment numbered 1790.

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

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

The amendment is as follows:

(Purpose: To express the sense of Congress concerning the appointment of a special counsel to conduct a fair, thorough, and independent investigation into a national security breach)

At the appropriate place, insert the following:

SEC. ____ SENSE OF CONGRESS CONCERNING THE APPOINTMENT OF A SPECIAL COUNSEL TO CONDUCT A FAIR, THOROUGH, AND INDEPENDENT INVESTIGATION INTO A NATIONAL SECURITY BREACH.

(a) FINDINGS.—Congress finds that—

(1) the national security of the United States is dependent on our intelligence

operatives being able to operate undercover and without fear of having their identities disclosed;

(2) recent reports have indicated that administration or White House officials may have deliberately leaked the identity of a covert CIA agent to the media;

(3) the unauthorized disclosure of a covert intelligence agent's identity is a Federal felony; and

(4) the Attorney General has the power to appoint a special counsel of integrity and stature who may conduct an investigation into the leak without the appearance of any conflict of interest.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Attorney General of the United States should appoint a special counsel of the highest integrity and statute to conduct a fair, independent, and thorough investigation of the leak and ensure that all individuals found to be responsible for this heinous deed are punished to the fullest extent permitted by law.

Mr. SCHUMER. Mr. President, I yield to my colleague, our leader from South Dakota, as much time as he wishes.

Mr. DASCHLE. Mr. President, I thank all of those involved in the discussion and the agreement we have just reached procedurally. This is an important issue and it deserves the consideration of the Senate.

I want to especially acknowledge the leadership Senator SCHUMER has shown on this matter, and I expressed the gratitude of our caucus to him for providing this legislative leadership as we consider what to do in this particular case.

I think there are several facts we know for sure. We know the law was violated. We know what the law says with regard to violations of this magnitude. We know the chilling effect it has on our intelligence-gathering capability and on personnel involved in the front lines with regard to intelligence-gathering responsibilities.

We know, if we can believe the reports that have already been printed and reported, what motivated someone in the White House or someone in this administration was retaliation, retribution for being critical of the administration. Those things we know.

What we don't know is how it happened. What we don't know is who is responsible. What we don't know is whether or not the perception that the Justice Department can investigate this independently, objectively, and thoroughly is something we can answer today. I would say the answer is no. It would be very difficult to put John Ashcroft in the position of investigating the very people who hired him for the job. We no longer have the independent counsel law. That has expired. I am on record as having said I support the expiration of the independent counsel law because of the abuses that I believe have occurred. What we do have is an independent prosecutor set up by regulation throughout the Justice Department to create more of an independent review, an outside analysis of all of the outstanding questions regarding this particular case.

So that is really what the Senator from New York is saying. Because the

law was violated, because of the perceptions created about the inability of this Attorney General to create an independent, thorough investigation, we have no choice. We have no choice but to encourage and to demand that a special counsel be appointed.

Mr. President, I don't know that there could be anything more egregious—in fact, I thought President Bush's father said it about as well as anyone can.

Anyone who is guilty of doing something such as this is what President Bush said, an insidious traitor. I believe those are strong words, because they deserve the kind of repudiation that words such as that connote.

The only way we can ensure that those responsible for insidious acts involving the very essence of our ability to stay strong is to ensure that when we pass laws involving violations, we deal with them effectively and directly, regardless of who it may be.

Our country is based on the premise, on the foundation, of the rule of law. There can be no respect for the rule of law if laws as essential to our national security as this are violated and there is no followup, no responsibility, no actions taken.

I do not care how one connotes the importance of this law, one cannot minimize its impact in this country today, especially now. So all that the distinguished Senator from New York is saying and what many of us are saying with him is let us uphold the law; let us say, as we demand of others that they respect the rule of law, that we set the example, and that in encouraging the rule of law and respecting the extraordinary consequences of the law those who violate it are held accountable.

I hope this Congress will act unanimously in this sense of the Senate, in this statement of purpose that the Senator from New York is offering today. Let us simply say with one voice that there can be no excuses, there can be no explanation, there can be no other option than pursuing the law vigorously. The only way to do that is to recognize the importance of what the Justice Department itself recognized, that there are times when conflicts of interest stand in the way of pursuing justice effectively. In those times, the only option we have available to us is the creation of an independent counsel.

In essence, that is what we are proposing today. I strongly support the letter as well as the spirit and the intent of the resolution, and I hope my colleagues will do so as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, first, let me thank our leader from South Dakota for his right-on-the-money words as well as his leadership on this issue with so many others. I think I speak for every Member on our side when I say we are proud to follow his leadership, and every Member of the

Senate, that he is just a fine leader and fine man.

This is a sense-of-the-Senate resolution. As our distinguished Democratic leader stated, it simply says that the rule of law should be upheld. When I read in the *Novak* column that an agent was outed, I was just furious. My first reaction was to call the FBI and send them a letter asking that there be a thorough investigation. I was told that before anything such as this could happen, the CIA had to answer 11 questions on a certain form that would show the law was—and I am not sure of the standard; it might be probable cause but violated, or at least the significant possibility of it being violated. Evidently, last week the CIA sent those 11 pages back and asked for an investigation.

There are so many points to make, and I will make a few. First, the tardiness of this act; it is despicable. I have been in Washington 22 years. I have never seen anything quite like this. To reveal the identity of an agent, or an analyst, the law does not matter—and I know that it was said on television yesterday by Mr. Novak, well, she was not an agent, she was an analyst and therefore it does not matter, but the law is very clear, and if someone is covert, a member of the CIA, and their identity is revealed, that is a crime.

Furthermore, we do not know if she was an analyst or an agent. If we are going to believe Mr. Novak on this part of it, then maybe we should believe him on all the rest of it. Everyone would agree that some high administration officials did a very terrible thing. To take this agent, analyst, this covert individual, who has served their country, and expose them, endangers them, endangers their sources and their contacts. As my good colleague from California has said, it puts a halt on their career and endangers the security of this country.

Furthermore, we have always felt that our intelligence agents are on the front lines. I was told earlier today by my colleague from Florida, Mr. NELSON, that the first American killed in Afghanistan was not a member of the Armed Forces but a member of the CIA. In a post-9/11 world, our intelligence sources are so important. What does it say to all of those thousands of men and women who serve us that if they tell the truth and somebody high up does not like it either they or their family can be outed? It goes to the very heart of what that Agency is all about. It is no wonder that the CIA, its employees from top to bottom, were just furious about this activity.

I do not know where this will lead. Rumors abound. If the Washington Post is correct and six media outlets were called, it is going to be pretty hard to keep it a secret as to who made the calls, where and when, but that is not the point. The point is, this crime demands a solution. This outrageous act demands justice.

To hear Mr. McClellan of the White House say yesterday, first, there are 50 leaks every week, belittling this, made my blood boil. This is not a typical leak. To reveal a covert operative's name is a crime, not a leak.

Then second, to say, if we find them, we will fire them, well, that is like saying someone in your company is a murderer and all that should happen is they should lose their job. There was a serious crime committed. What makes the crime worse is that it appears on its surface it was committed for reasons of malice, for reasons of stifling debate and dissent. As somebody who has generally been supportive of the President in Iraq, I find it just as outrageous as somebody who might be opposed.

Mrs. BOXER. Will the Senator yield for a brief question?

Mr. SCHUMER. I would be happy to yield to my colleague.

Mrs. BOXER. The reason I am doing this is because I am unable to stay and speak on the Senator's amendment but I wanted to make a couple of comments and ask a question, if I can, through the Chair.

First, I again thank Senator SCHUMER for his leadership on this. We spoke about it this morning, the fact that he took action back in July and wrote to the head of the FBI. He knew immediately that this was something outrageous, and I do thank him for that.

I am also very pleased that we are able now to have the Senator's amendment offered, to which I am a cosponsor. If I am not, I ask unanimous consent to be added as a cosponsor.

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

Mrs. BOXER. The fact is, we now have the DC bill in front of us and we have a legislative way to express ourselves. The thing I want to point out is now there is an attempt to try to demean this incident by saying that the fact that a CIA analyst or agent—we are not exactly sure—was revealed is not such a big deal and does not have much merit to it. I know my friend spoke about that, but I want to pursue a couple of questions.

Is it not the fact that the head of the CIA himself decided this was so egregious, to reveal the identity of Ambassador Wilson's wife, that the head of the CIA, who really serves at the pleasure of President Bush, asked for an investigation by the Attorney General? Is that correct?

Mr. SCHUMER. I would assume that is correct. The bottom line is the CIA has asked for it. This is a very sensitive matter. He is the head of the CIA, so I think it is a pretty good assumption that he asked for it. I think another assumption, that he realized this would ruffle a whole lot of feathers at 1600 Pennsylvania Avenue, at the White House, in the administration, is true. But from what I am told by sources who know what went on there, the obligation to the men and women

in the intelligence service transcended any feathers that might be ruffled. It is a pretty courageous act.

Mrs. BOXER. Yes. I just want to point out that to attempt to minimize this crime by saying this woman was probably an analyst and not an agent is unbelievable to me. The fact is, whether she was an agent or an analyst or anything else, was she not undercover? Every time I see her on TV, they cover up her face. I say to my friend, let's not get into the sideshow about was she an analyst or was she an agent. The fact is, she was in a covert situation, was she not, and it is safe to say that the reason her face is covered up is that she was undercover; the reason the CIA asked for an investigation is that they believe a law may have been broken because she was undercover.

I want to make that one point, in addition to the points we made this morning, which is that I hope my colleagues will vote for this amendment. I hope my colleagues on the other side will not have a dual sense of when an independent counsel should be appointed: There is a real estate deal somewhere; there is an independent counsel. There were no lives on the line there. This is a situation where someone who is undercover has been revealed as a way to get back at her husband who happened to bring back the news that the administration didn't want to hear—that in fact Iraq was not purchasing, at least in this particular case, from Niger any nuclear materials.

We have a circumstance where, faced with this, the new defense is: She was just an analyst; she wasn't an agent. I want to make the point, this woman was in the CIA. Her career has no doubt been destroyed. She was undercover. We do not see her face on TV. The fact is, the CIA asked for an investigation. And what my friend is saying today is, we need a more independent investigation. We don't want politics to play a role in this investigation. We want to remove it, even though the Attorney General will still be in charge of an independent or a special counsel, as we call it. A special counsel will have a little more independence than just getting it over to the Justice Department.

Mr. SCHUMER. I thank my colleague.

I wish to clarify a few points that should be made to everyone. The reason there is a debate about an agent or analyst is that is what Mr. Novak said on one of the shows, that is what we were told earlier today.

I have something from CNN.com. They say that other sources told CNN on Monday—yesterday—that Plame was an operative who ran agents in the field. Let me repeat that. Other CIA sources told CNN on Monday that Plame was an operative who ran agents in the field. I don't know if Novak is right or if these other sources are right; that is the very point. The issue of whether she was an agent, an operative, or an analyst is beside the point. The law was broken.

The law is clear, and while it says covert agent but defines agent as an officer—I am paraphrasing—employee, present or retired, of an intelligence agency whose identity has not been previously publicized, revealed, that is the point.

Once again, my colleague from California makes a very astute point. No one is revealing the face of this person. No one was revealing the name of this person. The bottom line is it is quite clear the law was broken. The only question we don't know is who broke it. What we are trying to do—and again the Senator from California is exactly right—is keep the politics out of this issue.

The idea that when a law is broken and someone calls for a full and thorough investigation, and the mechanism to do it, is politics is absurd. I will tell you what politics is—despicable and nasty politics. It was revealing this person's name because they did not like what her husband said. That is the politics of this issue.

Mrs. BOXER. Mr. President, will my friend yield further?

Mr. SCHUMER. I will be happy to yield.

Mrs. BOXER. I wish to make a point to underscore this discussion. This leaking of a name is, on its face, a crime. The person who did this deserves to be punished because to think that someone would punish someone's family—they didn't like what Ambassador Wilson said: How can we hurt him? How can we sting him? How can we burn him? We will hurt his wife. We will out her; that will ruin her chances. And that will send a chilling message to Ambassador Wilson: A, be quiet, maybe this will go away; and, B, it sends a chilling message to everyone. That is why what you are doing is so important.

This is an incident that cannot be swept under the rug. Whether it is a Democratic administration or a Republican administration matters not because this endangered someone, and it sends a chilling message to anyone who might bring bad news to this administration, who might disagree with their policy in Iraq.

I say to my friend, he is right on target. If this does fail in a party-line vote—and I pray it does not, but if this fails in a party-line vote, unfortunately, this will become a bigger and bigger political issue because I, for one, am not going to stop focusing attention on it. As a woman who has all my life been in jobs that are perhaps a little bit different than other women, I have tried to say we can do it. This attack on this woman who was on the ladder, obviously, in the CIA, was not only a crime, it was unjustified, and it sends a terribly chilling message to other women out there that you can do the greatest job in the world but, gee, if you are married to someone who might say something controversial, you are going to be outed.

What about the message—I close with this—it sends to other agents out

there, other agents who may be working on issues and bringing back information that the administration doesn't want to hear because maybe it does not comport with what they want to be known as the facts? What kind of message does this send? Are they going to take the risks? As Senator HARKIN said, we are going to win this war against terrorism by the quality of our intelligence. And here we have the White House itself that says it is leading the fight against terrorism. We stood by their side continually on this, as we should. Here they are, in essence, outing someone who could be working in ways to save our people from another terrorist attack, from al-Qaida, and whatever else.

I am so pleased my friend has been so stalwart on this issue. Anything he needs from this Senator from California to help him, I remain available to do whatever I can do to bring justice to this family.

I yield back the time.

Mr. SCHUMER. I thank my colleague from California for her strong, intelligent, and heartfelt words.

I would like to make just one other point, and this is a very important point I have not talked about before, so I hope my colleagues will listen. People ask, Why ought there be a special prosecutor? Why not let Justice do the job?

There are obvious reasons. Attorney General Ashcroft is a close political associate of the President's. If this goes high up into the White House, there is obviously the appearance of a conflict, if not a conflict itself. There is nothing wrong with the President appointing a close political associate as Attorney General. Some have. John Kennedy did. Bill Clinton didn't. The other model is to appoint someone at some distance, someone removed, a professional law enforcement person. But when you appoint someone who is close, you lose any vestige of independence when something sensitive comes up, making the need for special counsel more important.

A special counsel is not a runaway counsel. The independent counsel law expired because people were worried about that. It is still appointed by the Attorney General. The differences are threefold. No. 1, the day-to-day running of the investigation is not under the Attorney General or the staff that is directly under him with the chain of command going up.

Second, a very important prophylactic measure: Anytime the Attorney General should reject the request of the special counsel—to subpoena someone or bring someone to a grand jury or file some charges—a report has to be made to Congress. That is an extremely important and prophylactic measure.

Third, special counsel, when they have been appointed—and by the way, Archibald Cox and Leon Jaworski, people like them, fell under a law very similar to the President's special counsel law because that was before the

independent counsel was allowed and after 1999. After it expired, Justice passed this regulation allowing special counsel again. But they have stature. They are not going to be pushed around. Everyone will see who is appointed.

Obviously, if the Attorney General should appoint someone who doesn't have the stature, doesn't have the political independence, they will not be given the respect that someone of stature and independence would. But because it is public, that is generally what happens. A Warren Rudman or a John Danforth or a George Mitchell or a Sam Nunn would be ideal type candidates as independent counsel.

Let me show an example. This is the point to which I want people to pay attention. We just had an example of why we need a special counsel. This was reported, as I am told, by Mr. McClellan. We learned this morning that the White House Counsel, Mr. Gonzales, had sent an e-mail to all White House employees to preserve all their records, their logs, their e-mails and things like that. It was a good thing to do.

But what Mr. McClellan just confirmed is that he was asked by the Justice Department to do it last night. He said: Can I wait until the morning? And the Justice Department said yes.

Did anything happen between last night and this morning? I don't know. Nobody knows. You can be sure, if it was a special counsel, that ability to delay for several hours the sending out of this very important e-mail wouldn't have happened, or it only would have happened with an extremely good reason.

But when you don't have a special counsel, when the White House Counsel makes the request, it is given the benefit of the doubt. Frankly, at least from the allegations we hear the White House Counsel is in the same place as the person or persons who did this dastardly act. So if there was ever an example of why we need a special counsel, it just came out when Mr. McClellan told us about this delay in sending out the e-mail. For all we know, and this is just hypothetical, rumors went throughout the White House that there will be an e-mail this morning—and this is just hypothetical and, hopefully, it didn't happen—but maybe that somebody who did it didn't save what they were supposed to save, inadvertently threw them out. Who knows?

Again, if the special counsel were there, it is likely not to have happened. And if it did happen that the delay was sanctioned, people would have more faith that there was a justification for it.

So we need a special counsel. It is not a perfect mechanism, but it is the only mechanism available that has some semblance of independence, of fairness. Along with my 15 cosponsors, we are requesting a sense-of-the-Senate resolution that that be done.

I remind my colleagues, this is a sense of the Senate. It is basically a

sense of the Senate that in a very real sense says: Do you want to get to the bottom of this, and do you want to do it fairly and not politically? It doesn't require it to happen.

Excuse me, we have now 22 cosponsors.

It doesn't require it to happen, but at least we go on record, this body, as saying there ought to be a full, fair, and independent investigation—and a fearless investigation, I would add, an investigation that will go wherever it leads.

I repeat, I have no idea who did this. There are names bandied about. If it is true that six people in the media were called, this is not going to be a top secret, even though the media people will not want to reveal that they were called because of their sources. But a special counsel should be able to get to the bottom of it. Any counsel should be able to get to the bottom of it if, A, they really want to; B, they don't fear getting to the bottom of it; and, C, they are not told by somebody else not to, subtly or otherwise.

I guess that is another point I would make. What this case is about in many ways—not every way, there are so many ramifications to it already—the reason it has resonance is not only that what was done was despicable, but it relates to a methodology in Washington that has become too current lately, which is knee-capping people with whom you don't agree instead of having an open debate, saying you think this; I think that; let's see what the people decide. To call into question their character or patriotism or anything else—we have seen that in many different areas in the last year or two.

So it has tremendous resonance, but ultimately one thing this is about is the ability to tell the truth without being hurt for telling that truth, hurt professionally. Isn't that, indeed, the reason we need a special counsel? If there is a career diplomat in the Justice Department who is doing this investigation, maybe he or she, even if told nothing, will say: Hey, if I bring this all the way to the top where I think it ought to go, it might hurt my career. Who knows? With the special counsel, if it were a John Danforth or a Sam Nunn, they would not worry about their career. Their integrity is rock ribbed, and they will take it where it leads.

I hope we will allow a vote on this amendment. I don't know what the other side is afraid of, or whoever is afraid, to not allow a vote on this amendment. It is a simple sense-of-the-Senate resolution, and I would argue it will be more foretelling if this amendment is being blocked from being voted on. It will be very revealing if this amendment is blocked because it is saying somebody, somewhere, is afraid of where this investigation would lead.

I think if a point of order is raised and not overturned in any way, then—I guess it cannot be overturned. If the point of order is raised and a vote is

prohibited, it is going to say something. It is going to say those who raise the point of order are afraid of where the truth may lead. That is one of the things we all worry about.

Once again, I say to my colleagues that the very fact that the e-mail which went out this morning was asked for last night, and delayed for several hours, raises questions. They may be answered; they may not be. But that is the kind of question that will come up every day in an investigation if we do not have a special counsel.

I thank my colleagues from South Dakota and California and the so many others who spoke this morning—the Senators from Nevada, Iowa, and Florida.

All I can say is for the sake of this country, for the sake of fairness, and for the sake of the continuing rebuilding and the viability of our intelligence services, I hope this amendment passes. I hope no one will block it on a parliamentary procedure called "a point of order." I hope we will get to the bottom of this dastardly act and find out who put the integrity of the intelligence services and possibly the lives of people on the line for simply the purpose of malice or the purpose of preventing the truth from coming out.

I am going to yield as much time as he would like to my colleague from Illinois, a member of the Intelligence Committee.

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

Mr. DURBIN. Thank you, Mr. President. I thank Senator SCHUMER for his leadership on this issue.

This is not a new issue. This article was written by columnist Robert Novak back in July. It is interesting at the end of September and the beginning of October that it finally surfaces and is receiving the attention it deserves.

What Senator SCHUMER is asking is for the Senate to go on record in calling on the Bush administration to appoint a special prosecutor, someone who will be independent enough to ask the hard questions and try to find out who was the source of this very serious security leak.

Keep in mind what happened here. A decision was made by someone in the administration—perhaps in the White House—to disclose the identity of a woman working for one of our intelligence agencies. In and of itself, it doesn't sound like much to an outsider. But for many of the people working for those intelligence agencies in a covert status, the fact that their identity is not known is an important part of their job and an important part of their survival. As a result, the disclosure of the identity of such a person is a Federal felony, the most serious crime you can commit. We believe it undermines our intelligence-gathering capability and can literally endanger the lives of innocent, hard-working, patriotic Americans to knowingly disclose their identity. In this case, a de-

cision was made within the Bush administration to disclose the identity of this woman and jeopardize her future, her career, and maybe even her life. That is as serious as it gets in this business.

We can remember back in the Nixon administration the enemies list that was generated—people the Nixon administration decided did not share their views on foreign policy or domestic policy. They made a long list of columnists and individuals across America who were their enemies. They looked for ways to hurt them.

In this situation, we have the equivalent of an enemies list in the Bush administration—a decision by someone at the highest level of the administration to declare that Ambassador Joe Wilson and his wife were enemies and at any cost they had to be silenced; they had to be stopped. What was the administration trying to silence? They were trying to silence the fact that they sent Ambassador Joe Wilson, a former Ambassador in the Clinton administration, on a special detailed assignment to determine whether some of the statements the administration had made about the dangers of Iraq were true, particularly the statement which was made in the President's State of the Union Address that there had been fissile material that could be used to make nuclear weapons sent from the tiny African nation of Niger to Iraq.

Of course, the reason that was important was because it was the first issue raised by the Bush administration as to why we had to invade Iraq. If they had nuclear weapons and the capacity to build them in short order, they would be a threat not only to the region and to the world, and so we had to stop Saddam Hussein in his tracks.

Evidence of the movement of this enriched uranium or fissile material from Africa to Iraq was critical. The President of the United States thought it was so important that he made reference to it in his State of the Union Address to the American people.

When Ambassador Joe Wilson was sent to Africa and began investigating, he returned and reported to the Bush administration they were wrong. In his estimation, there was no evidence that this ever took place. In fact, as I stand here today, President Bush has apologized to the American people for including this statement in his State of the Union Address, and there is literally no evidence that this took place.

Ambassador Wilson did his job, took his assignment for the Bush administration, did it honorably, and came back and reported to them what he found. But there were some people in this administration who didn't like his report. They didn't want to know the facts. They had already created a scenario of nuclear weapons, and Joe Wilson's report wasn't consistent with it. They went forward and allowed this unproven theory to fester and grow as they started talking about the danger of Iraq to the world.

Finally, Ambassador Joe Wilson, in desperation, published an article in a leading newspaper and said, I have to tell the truth. I went to Africa on an assignment from the Bush administration. What I found was inconsistent with what they said to the American people.

This was an amazing development—an amazing disclosure. But I met with Ambassador Wilson, and he felt he had no other choice. His integrity was on the line. He decided to tell the truth to the American people. But because he did and because that truth brought embarrassment to this administration, they struck back. But they didn't strike at Ambassador Joe Wilson. They went after his wife, a professional intelligence agent working in a covert capacity. That is what this is all about.

Who was behind this? I don't know. I do not know if it reaches to the White House. I can't say. Mr. Novak has only said "administration sources." But what Senator SCHUMER brings to the floor today to really confront is the fact that we cannot honestly expect Attorney General John Ashcroft to really treat this case in the manner it deserves to be treated for the good of our intelligence gathering, for the integrity of the people who work at those agencies and, frankly, for justice to be served.

Last year when I served on the Senate Intelligence Committee and there was a disclosure of some classified information, Vice President CHENEY and Secretary Rumsfeld were adamant and vocal that the leaking of classified information, particularly in the runup to the war in Iraq, was absolutely intolerable and unacceptable. No one questions that premise. I certainly don't, as a member of the Intelligence Committee. When this piece of information was leaked, they turned on the Intelligence Committee and said we want to know which Senator—assuming it was a Senator, and it could have been staff or someone else, for that matter—which Senator leaked the information.

Do you know what they did next? They sent an FBI agent to my office and to the office of every Senator on the Intelligence Committee—this Ashcroft Department of Justice and the Bush administration. They asked me if I would submit to a polygraph—a lie detector—to determine whether I was the one who leaked the information. I didn't leak the information. But I also feel, as most people do across America, that those polygraphs are notoriously inaccurate. Most States don't even recognize them in their courts. I have never counseled a client in my legal practice to take one. I just do not think they can be trusted.

I said no, I am not going to submit to a polygraph. The next thing you know is that in the course of my reelection campaign it was disclosed to the public that I had turned down the request of the FBI agent for a polygraph test. I explained it as best I could to the people of Illinois. They obviously accepted

it, and gave me a chance to serve again in the Senate.

But isn't it interesting that this Bush administration and their Department of Justice, which obviously believes so passionately in polygraph tests, now is in a predicament where if they are going to investigate this leak, if they are going to try to find out which person in the administration is responsible for calling Robert Novak and disclosing this, they are frankly going to be in a position where they have to ask for polygraph tests.

You have to ask the obvious question. Is Attorney General John Ashcroft willing to ask Karl Rove to submit to a polygraph and tell the people whether he says yes or no? You could go through the list of potential people from the administration who need to be asked. I think the answer is obvious. They are not going to do that. Attorney General Ashcroft is not likely to ever do that.

What Senator SCHUMER and myself and others are saying is now is the time to acknowledge the obvious. This administration is not up to the task of dealing with such a disclosure so sensitive and so important at the highest level of Government. It is time to give this responsibility to a special prosecutor, someone outside the administration, with no conflict of interest.

I will tell you, I did not think the day would come, or come soon, when I would come to the Senate floor and call for a special prosecutor. The gross abuse of independent prosecutors during the Clinton era really, I guess, satisfied me once and for all that you have to be extremely careful to put that much power in one individual. But I do not know any other way out here.

I cannot imagine that leaving this in the hands of Attorney General Ashcroft and the Department of Justice is really going to give us a satisfactory conclusion to these critical and important questions: Who was it who decided to put Ambassador Wilson's wife on this hit list, on this enemies list? Who was it who was willing to risk prosecution of a Federal felony to embarrass her and compromise her as an analyst or an agent for America? Who was the person who decided that all bets were off and no holds were barred when it came to going after critics of the administration?

Those are hard, tough questions, questions this President would not want to face, no President would want to face, and certainly questions not likely asked or answered if it is going to be done within the administration.

So I certainly support my colleague from New York. I join with others who believe the appointment of a special prosecutor is the only way to serve the needs of justice and to do it in a way where there is a credible outcome.

LOST JOBS AND THE ECONOMY

Mr. President, I would like to ask, if I may, to step aside from this particular issue for a moment and note the fact that the President of the

United States visited Chicago, IL, today. We were happy to see the President, whatever the circumstances. In this case, he came to raise money. Over \$3 million was raised in Chicago for his campaign. But I might also note that over 3 million jobs have been lost in America under his administration. Both of these are historic records for President George W. Bush.

The real question that presents itself is this: Can all the money raised in Chicago and other places to buy media make America forget all those lost jobs? Can \$3 million raised today in Chicago make America forget the 3 million lost jobs under the Bush administration? More jobs have been lost by this President than any other President since the Great Depression—70 years ago. It is the worst record of job creation under any President in modern history.

In Illinois, we know this too well. Working people in Illinois are not going to forget we have lost 200,000-plus jobs since President Bush was sworn in. And I just met with a group of small businesses, small manufacturers. They are not going to forget we have lost over 123,000 manufacturing jobs in my State of Illinois alone since President Bush took office.

Our taxpayers in my State are not going to forget that President Bush's unfunded school mandates in No Child Left Behind are going to cost our school districts millions of dollars at a time when they literally cannot afford it because of our State's financial crisis.

Also, I do not think there will be a family in America who will forget the costly and dangerous occupation of Iraq, which President Bush has obligated American families and taxpayers to bear. I do not think there is enough spin in Washington or enough dollars in the President's campaign coffers to cover up these realities.

So, Mr. President, thank you for visiting Chicago. I am sure you had a great day. But I think the total story is going to be considered by the voters in Illinois before the next election. And when they look at the economic record of this administration, they are going to realize we have squandered a great opportunity. The economic expansion of the 8 years before President Bush came to office has not been equaled or rivaled, and it is not likely to be in the future, as long as we have a President who is passing out tax cuts to wealthy people and generating the largest deficits in the history of the United States, causing us to cut back in education spending and health care spending, causing us to compromise the Social Security trust fund as the baby boomers come on line to receive their checks.

These are the realities that American families understand. And when this President—

Mr. GREGG. Mr. President, I was wondering if the Senator would yield for a question.

Mr. DURBIN. I would be more than glad to when I have finished. On your time, I would be happy to answer a question.

THE SUPPLEMENTAL APPROPRIATIONS BILL

Mr. President, the other point I would like to make, before we return to the issue at hand, is this: People say, What has happened? It seems as if there is more criticism of the Bush administration in the last few weeks. And I think that is true. I think once the President went on national TV and announced that \$87 billion pricetag for our continued presence and occupation of Iraq, the American people were awakened to reality. This \$87 billion pricetag is a bone in the throat of America's taxpayers and families. They understand that we are not cutting spending or raising taxes to come up with that money; we are, in fact, adding to the deficit—the biggest deficit in our history—and we are taking it out of the Social Security trust fund.

I, for one—and I am sure I speak for every Senator—will not compromise when it comes to our military. We will give them every single dollar they need to be successful and come home safely.

When it comes to spending billions of dollars in Iraq to do things which we obviously cannot do, according to the President of the United States, hard questions will be asked, and the hardest question is going to be posed by my colleague from the State of North Dakota, Senator BYRON DORGAN. I think he has really touched a nerve because he has reminded this administration that time and again they told us this day would never come, that Iraq was so bountiful in its oil reserves that it could finance its own reconstruction. Those are statements made by Vice President CHENEY, Secretary Rumsfeld, Assistant Secretary Wolfowitz; the list goes on and on.

Now they come to us and say they need \$20 billion that is going to rebuild Iraq. Well, the Democratic leader, Senator DASCHLE, raised the question earlier. It is clear that the money to rebuild Iraq is going to be borrowed. The question is, From whom will it be borrowed? From the American people or the Iraqi people?

I agree with Senator DORGAN. Let's take this bountiful oil supply that they have in Iraq and use that as security, as collateral for what they need to rebuild their country. We can help them. I am sure we will. But, honestly, shouldn't the Iraqi people and their future oil revenues be on the line before our Social Security trust fund and our investments in education and health care? It is fairly obvious to me and to many of the people I represent.

Let me conclude and say again to Senator SCHUMER, thank you for your leadership on calling for this special prosecutor. It is my belief that a special prosecutor at this point is the only way to make sure that justice is served. If we have in any way seen a compromise of intelligence gathering in the United States, it could not have come at a worse time.

If we are going to successfully fight the war on terrorism, we have to stand behind the men and women at those intelligence agencies. We have to support them. And in my oversight capacity with the Intelligence Committee, from time to time I am sure I will be critical of some of the things they will do, but we should never, ever compromise their identity or professional integrity or ability to do their job.

Whoever decided to leak the identity of Ambassador Wilson's wife to Robert Novak, who writes a regular column, decided that the political price they had to pay was worth it. They were going to make that family pay a price that few others would be asked to pay because they were so bold as to criticize this administration's policy in Iraq. We have to get to the bottom of it. And I do not think Attorney General John Ashcroft's Department of Justice is up to that job.

Mr. President, I yield the floor.

Mr. REID. Mr. President, I ask unanimous consent that the amendment by Senator SCHUMER have added to it as cosponsors Senators LIEBERMAN and FEINSTEIN.

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

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, the Senator from Illinois said he would respond to a question on my time. And I will ask him a question and yield him 30 seconds to respond. It should not even take that long. But since the Senator from Illinois wandered during his presentation on to ground other than the actual amendment before us, specifically the issue of education, I was wondering when the Senator from Illinois intends to offer his motion to deny the children of Washington the opportunity to get a fair and reasonable education—something that is supported by the Mayor of this city, something that is supported by the president of the school council in the city, something that is supported by 7,500 children who are on a waiting list to get a decent education.

When does the Senator from Illinois intend to offer his motion to strike the capacity of those children to get a decent education?

I yield to the Senator, oh, 10 seconds to answer that question.

Mr. DURBIN. It will take 30 seconds.

Mr. GREGG. I will yield the Senator 30 seconds.

Mr. DURBIN. I would ask the Senator to clarify. Is he speaking about the proposal to divert public funds to private schools, a proposal that has been rejected by an overwhelming majority of people in the District of Columbia, the school board, and the city council, the proposal that would send the money to schools without standards that the teachers in these private schools even have college degrees? Is that the proposal about which the Senator is asking?

Mr. GREGG. I am simply asking if the Senator ever intends to offer his motion to strike.

Mr. DURBIN. The answer is yes, I do intend to offer it.

Mr. GREGG. Does the Senator intend to offer it today?

Mr. DURBIN. Not today, but I intend to offer it.

Mr. GREGG. Does the Senator intend to offer it tomorrow?

Mr. DURBIN. It could be tomorrow.

Mr. GREGG. I appreciate the Senator's candor.

Mr. President, what is the time that is allowed?

The PRESIDING OFFICER. The sponsor of the amendment has 8 minutes 6 seconds. The opponents of the amendment have 58 minutes.

Mr. GREGG. I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I yield myself such time as I may consume.

I ask the Chair to advise me when 3 minutes remain.

Mr. President, after I went home last evening, I couldn't stop thinking about a statement Senator HARKIN had made regarding the leak of classified information about the identity of an undercover CIA agent. Like Senator HARKIN, I also remember as a boy seeing those signs that warned: Loose lips sink ships. Our Nation was at war then. Even though the war was far away, every citizen was constantly reminded that there might be spies among us and that the wrong information in the wrong hands could cost American lives. So here it is, 67 years later. Once again we are at war and, sadly, it seems that the wrong information has been passed into the wrong hands—not by our enemies but by someone who works at the White House.

By now I think we are all familiar with what happened. On July 14, the political columnist Robert Novak, who I consider a friend and like very much, disclosed the identity of a covert CIA operative. He wrote that the information was given to him by "two senior administration officials." Yesterday the Washington Post reported that before Mr. Novak's column appeared, two top White House officials had called at least six journalists, revealing the name of this undercover CIA agent.

The reason, of course, for the leak has been well established. It was to get back at the husband of the agent. He is Joseph C. Wilson, former U.S. Ambassador, who had publicly challenged President Bush's claim that Iraq tried to purchase uranium from Africa. In retaliation for Mr. Wilson's telling the truth as he saw it, two White House officials apparently blew his wife's cover and, in the process, they threatened our national security. If you think that is overreacting, remember the old warning: Loose lips sink ships. Because that information was leaked, this agent's ability to gather intelligence has been destroyed and her safety has been put at risk.

Even more important, the leak of that sensitive information has jeopardized the safety of every person in the

world who had cooperated with her. Any person who was a known associate of this agent will now be suspected of cooperating with the CIA. Maybe even some innocent friend would be so thought. We might never know how many people have been tortured or maybe killed as a result of this leak.

As terrible as that scenario is, it is not the worst consequence of this leak. This leak of classified information will undermine our efforts to recruit people who can help us in the war on terrorism, people who might be able to infiltrate terrorist cells and gain prior knowledge of deadly plots against our Nation. Because of this leak, people who might be inclined to pass information along to the United States will now wonder whether we can be trusted to protect their identity. After all, if they can't trust those who work in the White House, who can they trust.

We are at war against terrorism. It is a war that will not be won with our mighty arsenal of weapons. It is a war we can only win by obtaining good intelligence about the plots that these terrorists are hatching. Intelligence is our best weapon against terrorism. So loose lips not only sink ships, they might prevent us from stopping a future terrorist plot.

This is as serious as it gets. I used the word "traitor" yesterday in a colloquy with Senator HARKIN. I know that is strong language, but I believe that about anyone who would leak this kind of sensitive information at a time when we are at war. This is a crime. It is a felony punishable by 10 years in prison.

This morning we heard that the Justice Department has launched an investigation into this crime. Realistically, we not only have to do away with what is bad but what looks bad. To have John Ashcroft, former Senator, long-time political confidant of the President doing this investigation simply won't sell. Considering the grave nature of what has happened, this case warrants an independent counsel, a special counsel, someone who does not have political ties to the White House. If we need an independent counsel to investigate a private real estate deal, certainly a breach of national security deserves the same level of scrutiny. We must act quickly before memos and phone logs and computer records are destroyed.

We must find the source of this leak and send a message to everyone everywhere who betrays the United States: Loose lips sink ships, and they will land you in jail.

Mr. LEVIN. Mr. President, I have cosponsored the Schumer sense-of-the-Congress amendment which is before the Senate. The amendment calls upon the Attorney General to appoint an independent special counsel to investigate allegations that a high ranking official or officials within the Bush administration purposely disclosed to the media the identity of a CIA agent involved in clandestine operations.

If these allegations are true, they are extremely serious. In fact, the individual or individuals who provided this information to the media may well have committed a felony under federal law. Such a disclosure could endanger the CIA operative involved, former Ambassador Joseph Wilson's wife, and makes it impossible for her to continue to function as a clandestine CIA operative. This act could also endanger a number of individuals, assets, contacts and even mere acquaintances of the CIA operative. And, this act may send a cold shiver down the spine of every CIA employee and asset now operating under cover anywhere in the world. If the administration itself will not safeguard their identities, how can they feel secure? These are men and women playing absolutely critical roles in the defense of our national security. The role in our security of such individuals gathering intelligence around the world has been all the more clear since September 11, 2001.

Mr. President, this amendment seeks to send a clear message that we believe that the American people deserve a credible and independent investigation not influenced by or even weakened by the perception of influence which results from an appointee of the President investigating high level administration officials. An appointment of a special counsel of unquestioned integrity and credibility is the only way to assure that independence. I hope the majority will permit a vote on this sense-of-the-Congress amendment today and that the Senate will adopt this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. Mr. President, what time remains?

The PRESIDING OFFICER. The Senator from New Hampshire has 58 minutes. The proponent of the motion has 3½ minutes.

Mr. REID. Mr. President, we know that the time will just run out. Senator SCHUMER wanted to speak last. He is not here. So we have no alternative. If the Senator is going to yield back his time, there is no way to preserve our 3½ minutes.

Mr. GREGG. Mr. President, we are ready to proceed. If we can have the clock run equally against both sides, I ask unanimous consent that that occur until the minority's time has run out, and then we will make a motion, unless the minority wishes to yield back.

Mr. REID. Mr. President, because of the time constraints, I ask unanimous consent that a point of order not be taken in this matter and that we have an up-or-down vote.

Mr. GREGG. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. That is really too bad. I say that because it would seem that something this important to the American public should at least have an up-or-down vote. All we want is a resolution from this body saying it is appro-

priate that the Attorney General, in effect, recuse himself and assign a special prosecutor to look into this most serious matter.

There is no question that somebody committed a crime. We don't know who it is or who they were, but leaking this information is a crime. It is a felony punishable by at least 10 years in prison. I think it is unfair. We know that Senate rules often don't appear to be fair. But in this instance, it would certainly be the right thing to do to allow an up-or-down vote.

I yield back whatever time we have.

Mr. GREGG. Mr. President, this is being investigated by the FBI. It is not being investigated by the Attorney General. The FBI will be doing the legwork and we will find out what happened as a result. Clearly, if the allegations are correct that a crime has occurred, it should be prosecuted.

Mr. President, I yield back the remainder of my time. I make a point of order that the amendment is not germane to the bill.

Mr. REID. Mr. President, I ask unanimous consent that the point of order not be laid before the Senate until 3:45 and Senator SCHUMER at that time be allowed 5 minutes prior to the point of order being taken.

Mr. GREGG. I object.

The PRESIDING OFFICER. Objection is heard. The point of order has been made. The amendment is not germane. The point of order is sustained. The amendment falls.

Mr. GREGG. Mr. President, what is the regular order?

The PRESIDING OFFICER. The DC appropriations bill is the pending business.

Mr. GREGG. I thank the Chair. I want to return to the underlying bill, a bill that has been debated for 4 or 5 days. Regrettably, I was not able to be here.

Returning to the underlying issue, which is the District of Columbia appropriations bill, and specifically the language in that bill which created new dollars at the request of the Mayor and the president of the school board and members of the school council to fund three basic programs, one is school improvement, the second is charter schools, and the third is a choice program which would involve not only public but also private schools within the city. Unfortunately, I was not here for all the debate, but it is important to talk about who is being impacted.

Who is this debate really about? The District of Columbia has a very large school system. Unfortunately, it is one that has some very fundamental problems. Those problems have created an atmosphere where, regrettably, a large number of children cannot get a decent education. In fact, this picture highlights it. Statistics show that 47 out of 100 children are being sent to failure by being required to go through the entire public school system in Washington, DC.

Essentially, the public school system in Washington spends a huge amount of

money, but regrettably it doesn't educate kids very well. Seventy-five percent of the fourth graders in this city are reading below basic reading levels. Only 11 percent of the eighth graders in this city are proficient in math. That is 1 in 10, actually. Only 10 percent of the eighth graders in this city are proficient in reading. One in ten children in this city can actually read at the level at which they should be. And 42 percent—a staggering number—drop out of school in Washington. Over one-third of the District residents read below the third grade level.

Yet this school system spends \$11,000 per child—\$11,000 per child—for these results: 42 percent of the kids are dropping out of school, 1 in 10 children are not reading at the levels their peers read at across the country in the eighth grade, and almost 1 in 10 are not able to do math. That means if you go into the DC school system, you have at least a 50-percent chance of either, A, not coming out of the system or, B, if you come out, you are not going to be able to participate in the American dream.

A fundamental element of participating in the American dream, being successful, having a decent income, raising a family, owning a home, having a great job, is your ability to read, write, and do basic mathematics. So we are talking about kids being left behind.

Let me just point to a couple specific children. These are children who, without private school, would not have had the opportunity to succeed.

How did they get into private school if there is no private school choice program in the District of Columbia? There is something called the Washington Scholarship Fund which is a program that has been set up because they recognized that Washington schools were working so poorly, and they have a lottery system. If you are a low-income child in Washington, your parents can put you into this lottery system. If your name is drawn, you get a choice—basically the same program that we are proposing to fund with this bill. But that waiting list is so large that your chance of being picked—in other words, winning that lottery as a child in Washington—is only 1 in 10. For every child who gets chosen, 10 don't.

I want to read a couple of notes from two people who were chosen, who were unfortunately locked into the public school system, and their parents knew they were going to fail. Their parents knew if they stayed in the public school system as presently structured, they were going to be lost souls, lost as citizens of our country, productive citizens, because they were not going to be able to gain the skills they needed.

This is the first person I want to read about. This is a note from this young girl in the photo, Lapria Johnson. She writes:

The Washington School Scholarship Foundation is the only way I can read.

That is the group that has the lottery.

I am 8 years old. I have a lot of problems I was born with. Public schools said I would not read.

This is Lapria writing:

I read and my math is great. My handwriting is not so good, but I have an A in reading and an A in math.

She has had her hope restored as a result of having the opportunity of choice.

There is another group that I want to make a note of in the photo right behind me. This is Kevin and Kevona. That is who these two children are here in the photo. This is Mrs. Wilma Roberts writing, and these are her husband's niece and nephew. She is writing and saying:

We wanted them to have a chance to advance to greater heights. Kevin was put into special education, and all he needed was help with his speech. He was put in a school that did not help with speech or his emotional growth. The Washington Scholarship Fund has been a godsend for these and other children who have the potential to do good things with their lives.

Doesn't that really say it all? "The potential to do good things with their lives." Yet 47 out of every 100 kids who go into the Washington school system—their capacity to do good things with their lives is dramatically undermined by the fact that the school system they are in simply isn't working very well.

How do we react to this? How do we make sure the Laprias, the Kevins, and Kevonas of this city have a shot at a lifestyle that you and I would want our children to have?

Well, the Mayor is concerned about it, and the head of the school board is concerned about it. They are concerned enough that they were willing to take an extremely imaginative and creative and, politically, a very aggressive and dangerous step, from the standpoint of their political futures. They were willing to propose to the Congress, which has a unique responsibility for the District of Columbia, that if we would give them some extra money for their educational system, they would take that money and set up three very creative programs.

The first program would be a school improvement program. The second would be a program to help with the creation of charter schools, which they already have a significant number of in this city. The third would be a private school choice program patterned basically on the Washington Scholarship Fund Program that these three children have had a chance to take advantage of.

Why would the Mayor and the head of the school board and a number of the council members of this city who are responsible to their citizenry be willing to make that sort of a step? It is because they believe it will work for these kids. It is because they believe these kids should have a shot at the American dream by having the skills

they need to succeed, by having the ability to do math and writing and reading at a level that is competitive with their peers across the country. They recognize that not every child learns the same.

There are some schools that are going to help a Lapria or a Kevin, who is coded incorrectly for special education, it appears from that statement. Some of those schools are not publicly managed so they can help these kids. But they are there and they are in the private sector.

The opportunity should be given to these children to participate in those schools that are going to give them the skills they need. And so the Mayor, the head of the school board, and a number of city council members have come forward and asked for the funding proposal that is in this bill, and the subcommittee is chaired by the Senator from Ohio, Mr. DEWINE. You would think it would be almost a no-brainer that if we as a Congress, who do not manage the city of the District of Columbia but who by the nature of the Constitution have responsibility for it, are approached by the political leadership, which is taking this sort of a creative and imaginative step, that we would say, OK, that is an idea that you want to try, and we will do what we can to assist you.

The majority does take that position but, unfortunately, there is a working minority on the other side of the aisle that does not believe these kids should have a chance, that does not believe the Mayor and the head of the school board should run their school system, that believes the 7,500 children who are low-income children, who are on a list today for private school choice, should have no opportunity to fulfill their dream; that they should have to go every year to this gathering where 1 in 10 of those kids gets their name pulled out of the hat and the other 9 children are sent home in tears and their parents, in most instances—by the way, they are children of single moms. They obviously have a father, but the mother is managing the family.

In most instances, what we have is a mother who realizes that her child, who she is raising by herself—she is working gosh knows how many hours a week to do it—is not going to have a chance to succeed and get out of the cycle of poverty and dislocation she sees, because of the nature of her financial situation or the nature of her situation generally, without a better chance in education. It is usually that single mother who puts her child on that list.

The majority of those 7,500 children are children who have a single parent at home taking care of them and trying to raise them in very tough and challenging times. We have to admire those parents immensely. But those 7,500 kids are being assigned to failure by my colleagues across the aisle.

I suppose one could argue—and obviously my colleagues across the aisle

do—this is not right; that public schools should get all the money; that there should not be any competition between public and private schools; and that choice just simply should not be allowed; that we as the Federal Government should not be making that type of decision. One can make that argument in theory, but one cannot make it as it applies to the District of Columbia because we are responsible for the District of Columbia, and the leadership of the District of Columbia has come to us and said they want this program.

Basically, they are saying no vote on this language; they are not allowing us to proceed to a vote. They are filibustering this proposal because they do not have the votes to defeat it. When our Democratic colleagues run a filibuster from across the aisle, they are essentially saying they can run the city of Washington better than the Mayor can run it, better than the city council can run it, better than the president of the school board can run it, and these kids who are on this waiting list—and there would be a lot more, I suspect, if this program were to go forward—are just casualties of the politics of the Senate. Tough luck. Forty Senators on the other side of the aisle are saying to 7,500 kids: Tough luck, we have a good life in the Senate. You have no life, no chance to participate in the American dream. You certainly have no chance to become a Senator because we are going to consign you to a school system which, as far as your parents are concerned, because they made the choice to put you on the list to opt for choice, cannot take care of your need to learn and is not going to give you the capacity to be successful.

It is an incredibly cynical act that is being pursued in the Senate by a minority when this appropriations bill is being filibustered on this point.

One has to admire, though, the leadership of this city because the Mayor has been incredibly aggressive in making this case. There has been no half-way commitment. This has not been a marginal undertaking on his part. He has been calling Members. He has been making the case. And the city has tried what they can try. They have tried public school choice in this city. To some degree it has worked. In some instances, there are just not enough functioning, strong schools to allow those kids who are locked in schools that do not do very well the opportunity to make that choice.

This city has tried charter schools. In fact, probably the fastest growing part of the school system is the fact they are setting up charter schools throughout the city. Thus, we have parents pulling together to try to create entities that will work a little better.

What they are asking for is one more very important tool. There are a lot of private schools in this city. There are a lot of religious private schools, Catholic especially. There are a lot of non-

religious schools that are very good schools. Some of them are focused on unique talent development and some are general in their educational approach. What the Mayor is saying is let's bring those schools into our mix as we try to give our children a better shot at being successful at learning what they need to know.

Remember, this program is not going to be for the wealthy or even the middle income. The way this program is structured is you have to be in an extremely low-income category before you can qualify for these choice opportunities. In fact, the priority goes directly toward low-income kids in schools that have already been designated as failing. We do not limit it to that, but that is where the priority is. I suspect that will absorb completely the available slots. So it is an attempt to get at the people who are most in need in the schools that are being least responsive.

Yet the majority of Democratic Senators on the other side of the aisle say: No, no, the kids are not going to be given that chance. The kids are going to be forced to stay in these schools which have such horrific track records. It really is a startling level of arrogance and an incredible indifference to these children.

What drives it? What drives this attitude? Is it a belief that we can improve the schools by putting more money into them? If we just put more money into public schools in Washington, we can solve this problem? We know that is not the case because in the last 3 years, we have increased funding in the public schools in Washington by I think 39 percent, and we have increased overall funding even more radically over the last 8 years in the public schools in Washington. Their success rate has not improved at all. In fact, they continue to fall behind.

As I said, they spend \$11,000 per pupil in this city—\$11,000 per pupil. There isn't a school district in the State of New Hampshire that spends \$11,000 per pupil, I don't think. The only other school district in the country which is even near Washington in spending is New York City on a per-pupil basis. So it is not an issue of let's take this extra money and put it in the public school system and that will solve the problem. That can't be where they are coming from, but that is actually one of their arguments. But it is a straw dog because it doesn't stand up to any test of factual review.

Is it because they think these kids should just be left behind; that they are simply willing to say 47 out of every 100 kids in this city we can discard; we can say they can't have the ability to pursue their dreams? I doubt that. I don't think anybody on the other side of the aisle is so cynical. But that is the practical effect of the indifference to the problem and their unwillingness to address it in a creative way such as the Mayor has suggested.

Or is it there is force coming at them that is a special-interest force known

as big labor that is saying: This is the camel's nose under the tent. If the city of Washington pursues a choice program, will choice spread across the country? We know the leadership of the national unions is adamantly opposed to any form of giving children choice in our school systems.

That may be it. There has to be some reason, but it certainly is not their interest in the welfare of the children that causes them to reach this conclusion that they are going to filibuster this opportunity for these children that is requested by the Mayor, by the president of the City Council, and by the parents of those 7,500 kids who are sitting on that list and are running out of time.

Remember, these kids are being put through and pushed through the system. Every year we fail to give them adequate reading skills, adequate math skills, is another year they probably cannot recover. If a child goes from the third grade to the fourth grade and they cannot yet read at the third grade level, how are they going to read at the fourth grade level?

Every year that we do not allow the city of Washington to pursue for their children options which may bring them up to speed, we lose another large segment of children, 42 percent dropping out of the school system. It is the parents and the kids who are being left behind today, who are being filibustered today, who are being strong-armed by the minority today, and it is an act of crassness that is going to come back in the way of lost lives. Fortunately, not Lapria or Kevin or his sister but individuals such as these other children are going to end up without any hope because this Senate, and specifically the minority in this Senate, has decided that they know more about the school needs of these kids than the Mayor, than the president of the school board, the members of the City Council but, most importantly the parents of these children who have been willing to go make the effort and take the extra initiative of trying to get their kids the type of education to give them the skills they need to live in our country.

In my opinion, it is an incredibly cynical act that is occurring today, as I have mentioned, and I regret it. I hope Members on the other side of the aisle will get up, walk over to the mirror in their office, and look in that mirror and say: Why am I doing this to these kids? At least as to the city of Washington, they ought to have the courage to stand up and say it is right to give the city this opportunity.

I yield the floor.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I congratulate the Senator from New Hampshire for his remarks and for his leadership on education, especially for his leadership on this issue where he has shown his characteristic persistence over the years, and I hope he succeeds.

Listening to him talk about the children today creates a whole new way of thinking about this. I have noticed in education meetings I have attended—and I have been going to them now for a good while—people like the Senator from New Hampshire and I get up and make a speech, but if we sit down and invite a child to stand up and say something, it changes the whole nature of the meeting because it puts in perspective what we are talking about.

I am glad the Senator talked about the children who are waiting in line for this opportunity to go to a better school because that is what we are talking about.

All we are talking about is giving 7,500 of Federal dollars, new dollars—not taken from any other school but new dollars—to about 2,000 poor families, disadvantaged families in the Washington, DC, our Nation's Capital, families whose child is in an underperforming school, and giving them a chance to go to another school. That is what we are talking about.

Especially since September 11, we have talked a lot about the American character. The American character has many aspects, but one aspect of our country is that we dream great dreams, and we are not ashamed of doing that. We say things like all men are created equal. We say things like President Kennedy said one time, that we will pay any price and bear any burden to defend freedom anywhere in this world. We say things like leave no child behind. We say things like anything is possible because that is our goal. Europeans and others think we are a little goofy when we say things like that because they will say obviously we are going to leave some child behind, obviously we are not going to defend freedom everywhere in the world, obviously not every man is created equal. The answer is we know that, but our goal is the greater goal. We really want to help every child succeed. We really want to defend freedom wherever we can. We really want every American to be equal, and we are a work in progress toward those goals.

That is what makes this such a remarkable country. One of the greatest of our challenges is to meet the goal of anything is possible—and I was thinking about those children—one of the surest tickets towards success in America, in fact the surest ticket, is a good education.

We cannot legislate a good family. Families are varied. But if a child has a great education, that child has a much better chance, to not be left behind but to succeed. So one would think we would be bending over backwards, falling all over ourselves, to identify the children in America who are disadvantaged, who are not as likely to have a good education, and giving them a chance too. That is what one would think we would all be doing.

Is that not what we are talking about today? Are we not talking about identifying a couple of thousand kids who

are disadvantaged, going to schools that are not working, and giving them a chance to go to a good school? What is wrong with that?

I would think it would be embarrassing for our friends on the other side of the aisle. They have spent a lot of time talking about helping disadvantaged Americans. How can they say it is good for us Senators, our families, but we do not want to give these children that chance?

In the next few minutes, I will take three or four issues that have come up in the debate, as I have listened to it, and discuss them. The first one was—When I listened to the distinguished Senator from Illinois the other day, one of the better debaters in the Senate, as described by Senator DEWINE. The Senator from Illinois said this, and I wrote it down: This is a calamity. This will be the first diversion of Federal funds to private schools in our history, the first diversion of Federal funds to private schools.

I wanted to ask the Senator then, and I will ask today, if I may, I wonder if he has ever heard of the University of Loyola or DePaul or Northwestern or Saint Xavier or Wheaton College or Illinois Wesley? Those are all private schools, private colleges, in the State of Illinois, and at least half the students at all of those schools and colleges attend those colleges with a Federal grant or loan to help pay for college.

In the case of the Pell grant, the Federal grant, which may follow them to Loyola, DePaul, Northwestern, or Saint Xavier, that is a Federal voucher that follows them to the college of their choice.

Now, that is not just true in Illinois. It would be true at Fisk University in Nashville. It would be true at Brigham Young out West. It would be true at Yeshiva. As long as the college is accredited, whether it is private or parochial. This has been true from the beginning of the GI bill for veterans, over the last 60 years, our country has allowed Federal dollars to follow students to a school of their choice.

Someone might say I am mixing things up; I am mixing up a college with a high school. I do not think that is a real difference. At the University of Tennessee, we have a school of law, as well as a school of architecture. Those are schools. They are educational institutions. For 60 years Federal dollars have followed students to the school of their choice.

What has been our experience with that program? Most people who look at the Federal Government think the GI bill for veterans and the Federal scholarships and loans programs have been the most successful social legislation in the history of our country. Maybe Social Security stands up there with it. But it is hard to think of legislation that has created more opportunity than the GI bill for veterans and the Federal Pell grants and the Stafford loans that help people go to college. No

one says you have to go to the University of Tennessee or Vanderbilt or the University of Rhode Island or any particular school. You choose.

I remember when I was president of the University of Tennessee, I was sitting there during the last week of August when we would have about 30,000 students, coming to our school. No one made them go there, they had to choose to go there, and the money followed them to the school. It never occurred to me to come to Washington and argue to the Senate, Please don't allow any of these students to go to Vanderbilt or to Fisk University because it might take money away from our school. We saw the value of giving Americans choices of colleges and universities. We saw what it had done for them.

We saw what it did for the colleges and universities of this country, what it specifically did for the public colleges and universities, such as the University of Tennessee. Let's just look at the record. In 1945, maybe 8 or 10 percent of Americans had a college degree. Mr. President, 80 percent of the higher education students in America at the end of World War II were in private colleges and universities. In fact, when the GI bill for veterans came along, President Hutchins of the University of Chicago was appalled by the idea. He said hoboes would be coming to his distinguished university, the University of Chicago.

At that time, at the end of World War II, 20 percent of students attended public university. What is it today? Today it is just reversed: 80 percent of students who attend higher education in America go to public colleges and universities, 20 percent go to private. So the effect of the GI bill for veterans, this Federal voucher that followed students to the school of their choice in higher education, which has been the law of our land since right after World War II, has not only created great opportunity, the effect of it has been to create the greatest system of colleges and universities in America. The Federal Government helped to fund that.

We don't have just some of the best colleges and universities, we have almost all of them. And the Federal voucher for higher education has been a major source of that. So that was a really good idea.

It is rarely our experience in education to have such a close analogy, to have a 60-year experiment with a Federal voucher for colleges that has helped create the best colleges in the world. The question might be: If it did that over 60 years, why wouldn't we at least try it to see if it created the best schools in the world?

We have tried it also before the first grade. We have a child care voucher, which has been the law since 1990. It follows little children to the child care program of their parents' choice. So we would trust a single mom with the responsibility. She might be poor, she

might not be very well educated herself, some might even say she's not capable of making a good judgment for her children, but we trust her to choose the daycare program for her child, and the Federal voucher follows the child to the daycare program. It could be public, private, or religious. We permit her to enroll in a community college or university in order to advance herself, and a Federal voucher follows her to a community college. But we say somehow there is something wrong with allowing her to make a decision about where her child goes to school from the 1st grade to the 12th grade.

Of course, we don't have that problem with those who are better off—Senators, for example. We assume we are really super parents and we know a lot about schools and we are trusted to make choices. We are allowed to move to another part of town so our child will go to this school instead of that school, and every real estate agent in America will tell you that parents make moves in housing based upon where their child will go to school. That is No. 1 for them. They have the money to do it. They are free to do it. But the disadvantaged family is not free to do it.

I wonder what would happen if we were to pass a law that would be consistent with our friends on the other side of the aisle—most of them; there are some who agree with us—and just say there should be no choice to anybody; let's be fair to the rich as well as the poor. It sounds like rhetoric that might be coming from over there. Let's say no choice for school, the Government will tell you, no matter how much money you have, exactly where your child goes to school, and you may not take that child anywhere else. The Government will decide. Since your taking your child and your money to a Catholic school or private school which might hurt a public school, therefore you are not allowed to go to a Catholic school or you are not allowed to go to a private school.

In effect, that is what we are telling poor families in America. We are telling them: Because you are poor, you have no choice. Let's say it to the rich folks, too. Let's make it equal. Nobody has any choice. That will help the public schools.

That wouldn't help the public schools. That is the way the Soviet Union used to operate, one car for everybody, and by the time they got through, the car would barely run. Choice is an essential part of the American system.

So, for the Senator from Illinois to stand up and say this is the first diversion of Federal funds to schools is just flat wrong. In fact, he is ignoring the most successful piece of Federal social legislation we have ever had, which for 60 years has helped create the best colleges in the world.

My question would be, Why not try it with at least 2,000 children who are poor, going to underperforming schools

in Washington, DC, and let's see what happens? Maybe it creates a better school.

There is another little historical fact that maybe the Senator from Illinois missed as well. Right after World War II, a lot of the returning GIs didn't have a high school degree. Only maybe 5 percent of them even had a college degree at the time. So what did they do with the GI bill? They took it to high schools. There were thousands of returning GIs after World War II who took their GI bill to the Catholic high schools of America. The sky didn't fall. A lot of them ended up being among the most successful leaders in our country.

A second comment I would like to make is sometimes I hear that this is a Republican idea, or a conservative idea. It really doesn't sound like a Republican idea. Republicans are characterized sometimes by not being as interested in the disadvantaged, by not being willing to spend more money, by not wanting to talk about education. I am glad that we are, in this case. But this ought to be a bipartisan idea. I am so glad to see the Senator from California has made this discussion a bipartisan idea because it deserves to be.

Let me go back in a little history and suggest how this idea has not always been a Republican or conservative idea. Not long ago, someone gave me an article from the 1968 August issue of *Psychology Today*. The article was entitled "A Proposal for a Poor Children's Bill of Rights." The proposal was this: To give a Federal coupon to perhaps up to 50 percent of American children, through their parents, to be spent at any school. Half the American children would get a Federal coupon, they called it—voucher, scholarship—to be spent at any school—public, private, religious.

By doing so, the authors of this proposal wrote, we might both create significant competition among the schools serving the poor—thus improving the school—and meet, in an equitable way, the extra cost of teaching the children of the poor.

The idea here was to provide money on top of what is already being spent, because educating poor children costs more. The authors were not the chairman of the Republic National Committee but a young man named Theodore Sizer, along with Phillip Whitten. Ted Sizer, of course, is today one of America's most respected and pioneering educators. He was dean of the College of Education at Brown University and a leader of the Coalition of Essential Schools. He has been given about every major award American educators can give anyone, and 1968 was a long time ago. Lyndon Johnson was President. "Power of the people" was the battle cry. Sizer and Whitten went back much earlier than that.

They said this:

The idea of such tuition grants is not new. For almost two centuries various proposals for the idea have come from such figures as

Adam Smith, Thomas Paine, John Stewart Mill, and more recently Milton Friedman. Its appeal bridges ideological differences. Yet it had never been tried. Quite possibly because the need for it has never been so demonstrably critical as now.

This was in 1968.

The authors quoted Mario Santini of the Ford Foundation—hardly a right-wing organization—who spoke of:

... a parent's lobby with unprecedented motivation with a tangible grasp on the destiny of their children. The ability to control their own destinies definitely will instill in poor people a necessary pride and dignity of which they have been cheated.

Maybe those are the 7,000 parents in the District who are lined up waiting for the other side of the aisle to quit filibustering and release \$7,500 for each of those children so they can go to a good school.

What about the argument that this poor children's bill of rights might destroy the public schools? Here is what Mr. Sizer and Mr. Whitten said in 1969:

Those who would argue that our proposal would destroy the public schools raise a false issue. A system of public schools which destroys rather than develops positive human potential now exists. It is not in the public interest, and a system which blames its society while it quietly acquiesces in and inadvertently perpetuates the various injustices it blames for its inefficiency is not in the public interest. If the system cannot fulfill its responsibilities, it doesn't deserve to survive.

That is their word.

But if the public schools serve, they will prosper.

Just as our public colleges and universities have with students who bring a voucher to those schools. Those are my words.

Since 1987, we have watched in amazement how rapidly the rest of the world is seeking to emulate the American way of life. Everywhere in the world, freedom and choice and opportunity have become the principles upon which are built the answers to the most basic human questions. Around the world, nothing is in as much disfavor as government monopoly of important services. Yet that is what the other side is defending today.

I think it is important, as we go through this debate, always to remember exactly what we are talking about. Those in opposition have such poor reasons for opposition that they invent all sorts of complications and make it sound exceedingly impossible. We are talking about this: Spending \$40 million for students in the District of Columbia. The bill the Senate is debating today appropriates \$13 million for scholarships for low-income children in underperforming public schools to go to any accredited school. \$13 million for DC public charter schools and \$13 million new dollars for the DC public schools.

The Senator from New Hampshire went into great detail on this. Let me summarize a couple of points. In addition to the fact that the District of Columbia is different—and there would be

State money, if it were Rhode Island, or West Virginia, or Tennessee, that we would be spending—but here we are spending \$11,000 per student, which is among the highest in the country in the public schools. Class size is among the lowest, yet reading scores continue to be at or near the bottom of every national assessment. Sixty-nine percent of fourth graders are reading below basic level. That means 7 out of 10 fourth graders can't read. That means all educators and parents know that by the third grade, if they can't read, they are off on a track that goes anywhere but along with the American dream that anything is possible.

DC students ranked last in the Nation in both SAT and ACT scores last year. Forty-two percent drop out of school. Those are some of the statistics here in the District.

Finally, I would like to call attention to an article by William Raspberry that appeared on Monday, September 29—yesterday—in the Washington Post. Mr. Raspberry concludes his article with this question:

If federally funded vouchers help a few hundred more local students to find such an environment, how bad is that?

He was writing about the debate here in the District to create an academic high school 20 years ago. Some people said: Well, that will help some children and not others. Mr. Raspberry thinks it will help some children, and that will be good, and maybe that will help us find a way to help others. That is the basic essence of his article today. It is a good thing to use to conclude a discussion about the District of Columbia because it shows we all know that the children of the District of Columbia can succeed, the schools can succeed.

This is the way he describes Washington's academic high school:

By the way, Washington's academic high school—Benjamin Banneker—is not merely an established fact these days, it is an important source of pride for both the school system and the city. It was a Banneker student who a few years back scored a perfect 1600 on her SATs. It was a Banneker team that scored a record-setting total on the TV program "It's Academic." Banneker's students are smart, but not necessarily that much smarter than students elsewhere in the city. What they have is an atmosphere where academic striving is the norm, where no one calls them "nerds" or "brainiacs" or accuses them of acting "white."

The recent result of Leave No Child Behind shows us something we already know—that we have a lot of good schools in America. But even in many of our better schools, there are some children—almost all disadvantaged and many of them minority kids—who are not learning what they need to know, all over America, and it starts right here in the Nation's Capital. We have tried about everything. We tried charter schools. We tried more money. We tried smaller classes. There are a lot of wonderful people working hard.

What this debate is about is: Should we not take the idea which helped create the best colleges and universities in

the world and try it here in the District? Should we not help those 7,000 families standing in line out there hoping anything is possible for their child? Why not give 2,000 of them \$7,500 a year and let them go to a better school and have a brighter future? If we learn something about that which teaches us something about what to do about American education that will improve and help these disadvantaged children, so much the better.

How embarrassing it must be to stand up and argue against giving \$7,500 to 2,000 children in the Nation's Capital who deserve that brighter future.

I hope this becomes an increasingly bipartisan discussion. The Senator from California has offered an amendment which improves the legislation. Not every Republican supports this. Not every Democratic Senator opposes it. I hope over time we will see that choice as an essential part of the American system. We have had it for 60 years in our colleges. We have had it for 12 years in the Child Care Program. Every family with money has it. Why not offer it to the disadvantaged, the poor families of America, starting with 2,000 families in the District of Columbia in this bill?

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I am very happy to point out that the good Senator from Tennessee and I served as Governors together, and his emphasis was always education then and obviously still is. I respect him greatly.

I would like to speak for a few minutes on Senator SCHUMER's amendment to call on the Attorney General to appoint a special counsel, it having been laid aside on the basis of germaneness.

I rise in support of the erstwhile amendment—maybe it will come back—calling on the Attorney General to appoint a special counsel to investigate allegations that senior Bush administration personnel—perhaps including those working at the very highest level of the White House—may have knowingly and deliberately revealed to the press the identity of an undercover CIA agent.

I speak as a Senator from West Virginia and also as vice chairman of the Senate Intelligence Committee. This is a matter of national security. It is a matter of criminal law. It is a matter that demands the most careful, impartial, and independent investigation possible. As I will explain shortly, it is actually a matter without legal precedent.

The Senate, Republican and Democrat alike, should go on record today—which we have not—to demand the Attorney General not hold this too close within the administration family, where the investigation will inevitably be questioned as raising conflicts of interest. This is going to happen. Forget the people involved. It is simply going

to be an issue with the public. Rather, he should appoint a special counsel that can assure the Nation that no person in the United States, no matter where they work and what they do, are above the law in our country.

Twenty-one years ago after the tragic assassination of a CIA station chief and other attacks, Congress enacted the Intelligence Identities Protection Act of 1982 to punish the naming of covert agents. The act addressed essential appalling circumstances such as a private individual or organization engages in a campaign to publicize the names of agents. Appropriately, Congress reserved the most severe consequences—including imprisonment for up to 10 years, substantial sums of money—for unfaithful U.S. Government officials who intentionally disclose the identity of any of our country's own agents. To date, that kind of betrayal is so far beyond the pale, so to speak, so incomprehensible, that as far as the Intelligence Committee has been advised, there has never been a case prosecuted under it.

It is, therefore, with special sadness that our country now faces an investigation into whether the unimaginable has, in fact, happened; whether at the highest levels of our Government there has been a felony disclosure of the identity of one of our covert agents.

When the Senate Judiciary Committee reported the identities protection bill in 1981, it made a number of findings which are as true now as they were then. They found that it is essential for our Nation to have intelligence information that is timely, that is accurate, and that human sources of intelligence are the key to that effort and that we need and must be ready to rely on our own covert intelligence agents to gather information from our sources.

To quote our Judiciary Committee:

Without effective cover for United States intelligence officers abroad and without assurance for anonymity of intelligence sources, the United States cannot collect the human intelligence which it must have to conduct an effective foreign and national defense policy.

This was true in the cold war when this law was enacted, and it is certainly no less true today in the war against terror.

The disclosure of our agents puts them at risk. It puts their sources at risk. And it puts our Nation, as a result, at risk.

In the case at hand, there is a further danger of immediate importance: The Senate Intelligence Committee is conducting an inquiry into prewar intelligence about Iraq and how that particular intelligence compares with what is being found or is not being found on the ground in Iraq. Two of the toughest questions we are asking are whether any of the intelligence was exaggerated or distorted by the policymakers—that is, the users of the collected and analyzed intelligence—and

whether any pressure was brought to bear on any U.S. intelligence analysts to shape their prewar analysis.

I deeply hope the final answers to those questions is a no but the jury is still out. The House has produced a preliminary report of several pages. The Senate Intelligence Committee is hard at work on a very thorough, very profound effort.

I ask my colleagues, how can we possibly expect our intelligence community to come forward to help us to get the truth in the matter if they fear that retribution will follow? One has not had to raise this question before.

Since mid-July, our intelligence community officers have been reading the same press reports that we have been reading. They are reading about not just some inadvertent disclosure of a potentially covert agent but something far more insidious. If press reports are true, then the allegation at issue is that there may have been a coordinated effort to release the name of a covert agent for the specific purpose of discrediting somebody who disagreed with the administration about the fraudulent and much discredited claims of Iraqi purchases of uranium in Niger, a policy which never received virtually any credence at all.

If the U.S. intelligence community and its agents believe their careers can be crushed by a phone call or by a couple of phone calls, how can they be sure their candor will be protected? Why should they produce candor? Perhaps they will be punished. They do not know. That does not happen, particularly in our world. It can happen sometimes in politics, but this is an everyday part of their world. We rely on them for accurate intelligence as they see it, as they believe it, that is then gathered, analyzed, and passed on to policymakers for judgments.

How can the Congress meet our own investigation and oversight obligations, a committee in each body? How can we learn the true facts about the conduct of government officials and inform the American people? At this point, the prompt appointment of a special counsel is essential, the amendment being laid aside or not.

Under the Department of Justice regulation, the Attorney General is to appoint a special counsel when investigation or prosecution of the matter would present a conflict of interest for the Department and it would be in the public interest as a further matter to appoint an outside counsel to assume responsibility for the investigation in the matter. Both tests are plainly met here.

The Attorney General faces a conflict of interest when an investigation leads into the White House. And it is unquestionably in the public interest to assure confidence in such a critically important investigation.

The special counsel is admittedly not quite as independent as an independent counsel—and we have had those—was under the former statute. But the spe-

cial counsel is our best and most impartial mechanism for difficult circumstances such as these. The regulations provide the special counsel shall not be subject to the day-to-day supervision of any official of the Justice Department. If the Attorney General concludes any action sought by the special counsel should not be pursued, the Attorney General is required to notify the Congress, and the Attorney General must report to the Congress if he or she wants to fire the special counsel and can only do so for good cause.

In closing, since joining the Intelligence Committee, I have had the honor of meeting dozens of covert intelligence agencies working overseas in a variety of countries. These men and women make sacrifices that few Americans even come close to understanding or know anything about, which is as it should be. They live undercover, unable to tell their friends or even their family, what they do or where they are. They work tirelessly with much of the operational activity conducted in the evenings after regular working hours on other matters and on weekends when the rest of us are at home with our families. They put themselves at literal risk almost every single day. And they love what they do.

If the recent allegations are true, someone in this administration has done these people a grave and lasting injustice. Our intelligence agents need to know we understand the sacrifices they make and that we will come to their defense when somebody puts them at risk. An independent investigation is the only way—and it is the only way—to restore their faith in the Government they serve. Not to do so would have a chilling effect on the recruitment of people to do this vital work, in a time when intelligence may be beginning to surpass actual war fighting in terms of its importance to something called the war on terror.

I regret this amendment has been ruled out of order on this bill. I hope we will again take it up.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. HATCH. Mr. President, I ask unanimous consent that my remarks be considered as in morning business.

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

Mr. HATCH. Mr. President, I come to the floor to respond to some of the comments that I have heard concerning the CIA's request that the Department of Justice look into the leak of the name of one of its employees. My friends on the other side claim that a special counsel should be appointed and that the Department should recuse itself from the investigation.

Quite simply, the Department of Justice is the appropriate agency to look into this matter. The CIA notifies the Department approximately 50 times per year to investigate complaints about the leak of classified information. The Department has career professionals that address matters like these. This professionalism and experience is needed in instances like these to ensure that the investigation is done in a competent and complete manner.

Some of my colleagues believe that a special counsel is needed because there has been a "clear violation of the law." I respectfully disagree. While I agree that this matter is a significant one and needs to be promptly examined, it is premature to conclude that the Protection of Identities of Certain United States Undercover Intelligence Officers, Agents, Informants, and Sources statute has been violated based merely upon media reports. In fact, there is reason to believe that no violation of this statute has occurred. The intelligence statute prohibits the disclosure of the identity of a covert agent whose identity and relationship to the United States the Government has affirmatively sought to conceal or that the defendant disclosed the name of a covert agent with reason to believe that such activities would impair or impede the foreign intelligence activities of the United States. Robert Novak, the reporter who wrote the story, has since stated: "Nobody in the Bush administration called me to leak this." He also stated that, "According to a confidential source at the CIA, Mrs. Wilson is an analyst, not a spy, not a covert operative, and not in charge of undercover operatives." If that is true, there is no violation of this statute.

I would further urge those whose knee-jerk reaction is to call for a special counsel to step back for a moment. Political opponents of the President have charged that Karl Rove leaked this information. When pressed for specific evidence about Mr. Rove's involvement, they are at a complete loss. In fact, it is my understanding that former Ambassador Wilson, who has also charged that Karl Rove leaked this information, recanted when pressed for evidence on Karl Rove's involvement. This kind of speculation is unfounded. Unsubstantiated statements like these should simply not take place on the floor of the U.S. Senate.

Since the Independent Counsel Statute expired in 1999, the Justice Department, under former Attorney General Reno, promulgated new regulations when the Attorney General may appoint a special counsel. The regulation allows the appointment of a special counsel when there is a need to investigate a unique case involving high-ranking executive branch officials and/or there is a conflict of interest for the Department.

The regulations allow the attorney general to appoint a special counsel

when he or she determines that a criminal investigation of a person or matter is warranted and (a) that investigation or prosecution of that person or matter by the Department would present a conflict of interest, or other extraordinary circumstances exist, and (b) that under the circumstances, it would be in the public interest to appoint an outside special counsel to assume responsibility for the matter.

I have every confidence in Attorney General Ashcroft and FBI Director Mueller's integrity and ability to investigate this matter. The FBI and the Department have career employees with the skill, experience, and honesty to look into this matter. For those who doubt this, I would point out that similar skepticism was raised in the Department's ability to investigate the complaints made against it by those detained following September 11th. My colleagues on the Judiciary Committee know, because I held a hearing on the report, that the Department's Inspector General issued an exacting report on the 9/11 abuses. The report shows that the Department's Inspector General, and career employees within the Department, pulled no punches regarding the treatment of the 9/11 detainees.

This is the nature of career employees within the FBI and the Department of Justice. The continuity of service within our law enforcement community is what makes our criminal justice system the best in the world.

So I recommend to those who are recklessly casting aspersions about the ability of the Department and the FBI to professionally conduct this investigation to take a careful look at the facts.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from Ohio.

Mr. DEWINE. Madam President, I will take a moment to remind my colleagues where we are today. We are now in the fifth day of debate of the District of Columbia appropriations bill. I think we have had a good debate, but this is the fifth day. Really, there is nothing controversial about this bill. Senator LANDRIEU and I have worked on this bill. It is a good bill. The only issue really before us has to do with the education scholarships, the school scholarships. There are those who have raised questions about those scholarships. While questions have been raised about them, we are still waiting for amendments.

I have come to the floor time and again and said, bring down the amendments.

Mr. GREGG. Will the Senator yield for a question on that point?

Mr. DEWINE. I will yield for a question.

Mr. GREGG. How many amendments are pending on the bill at this time?

Mr. DEWINE. Despite the fact that we have had a lot of discussion, there are no pending amendments to this bill.

Mr. GREGG. Then how many amendments have been filed? There must have been many amendments filed since we have been on it for 5 days. I wonder why we have not voted.

Mr. DEWINE. There was, of course, the Feinstein amendment that was filed. We were able to debate that amendment. That amendment was passed by a voice vote. Other than the Feinstein amendment, there are no other amendments that have been filed and there are no other amendments that are pending.

Mr. GREGG. Madam President, if the Senator will yield further for a question?

Mr. DEWINE. I yield further to my colleague.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. It is almost incomprehensible that we have been on a bill for 5 days, that there are no amendments filed, there are no amendments pending, and we cannot complete the bill. Why would the other side not want to complete the bill since they are not filing amendments and there are no amendments pending?

Mr. DEWINE. Madam President, I would respond to my colleague that frankly I do not know. We have had a good debate. Many of the issues my colleagues have raised have to do with amendments they have said they are going to file. They have talked about amendments. They have talked about actually several amendments that might be brought to the floor. Yet despite the fact I have asked for amendments to be brought to the floor, there have been no amendments brought. So I really frankly am at a loss to explain to my colleague why we are seeing no amendments and we are still now wrapping up our fifth day of debate on this bill.

Mr. GREGG. It seems to me in light of that history and in light of the present status of the pending amendments, of which there are none—and there are none filed—it would certainly be appropriate to go to third reading or in some other way bring closure to this bill so we could make sure the city of Washington has the money they need to operate and has the money the Mayor has asked for to do some creative and imaginative things to improve the school system in the city.

Mr. DEWINE. Madam President, I respond to my colleague that I agree with him, it is time to go to third reading. If there are no amendments, that is the normal procedure of the Senate. You look around and wait for amendments, and after a reasonable period of time if there has been debate and there are, in fact, no amendments to be of-

ferred, then we would normally go to a third reading.

As I look around the Chamber, I do not see any of my colleagues, and so out of deference to them I will not make any unanimous consent at this point, but I say to my colleagues, in a short period of time I would like to raise the issue with them. I will not at this point, but I would like to make a unanimous consent in regard to moving forward.

Mr. GREGG. If the Senator will further yield for a question, I note the Senator from Connecticut is on the floor, as is the Senator from Nevada. It might be appropriate at this time, if the Senator from Ohio is so inclined, to propound a unanimous consent that we complete this bill, having spent 5 days on it, with no amendments pending and no amendments filed.

Mr. DEWINE. I do see my colleague from Nevada. I do not know if my colleague had the opportunity to hear what I said when he was coming to the floor, but to repeat it for my colleague, I said simply we have been on this bill now for 5 days. We have had the Feinstein amendment which was adopted. We have had a good debate. There really is no contentious issue about this bill, other than the one issue that has been raised in regard to the school scholarships. We have had a good debate about that. Really, it is time for the amendments to be offered. We have had discussion about amendments. In fact, three of my colleagues have come to the floor and talked about amendments they might offer. We look forward to having those amendments offered and we look forward to having additional debate on those amendments, although I will say we have already had some good debate. We look forward to additional debate, but we look forward to having those amendments offered after having 5 days of debate.

In just a moment I will make a unanimous consent request. In fact, at this point I will do that.

I ask unanimous consent that the pending substitute amendment be agreed to, the bill be read the third time, and the Senate now proceed to a vote on passage of the bill with no further intervening action or debate; further, that following the vote the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Madam President, reserving the right to object, I have the greatest respect for my friend from Ohio. I know his heart is in the right place, but I say respectfully to him and anyone within the sound of my voice, I, speaking for me, told the majority leader, privately and publicly, that going to this bill was a mistake; that this voucher issue was a contentious issue and would make it very difficult this late in the session to complete the bill.

The decision was made to go ahead with this legislation. We have been on it now for 2 weeks. I say to my friend from Ohio, the manager of this bill, along with the Senator from Louisiana, who has done an outstanding job, that this is something that is done only for fill. I think everyone knows that this bill, as long as this voucher issue is in here floating around, is not going to go very far.

So I think the leader should bring up one of the other seven appropriations bills so we can move along. We have wasted 2 weeks. There are appropriations bills we should all be dealing with. But it appears to me the decision has been made by the majority that they are not going to do any more appropriations bills; they will all be lumped into one big clump. I think that is unfortunate.

If, in fact, there is some prospect of taking the voucher provision out of this bill, we could finish this bill very quickly. So without belaboring the point, I object.

The PRESIDING OFFICER. Objection is heard, the Senator from Ohio.

Mr. DEWINE. Madam President, I regret that. I am sorry to hear that. But the fact is, this bill could be finished very quickly. We have heard comments about several amendments. Frankly, it would not take long to debate those amendments. We have already had a good debate about those amendments. We pretty much know what is in those amendments.

My colleagues could bring those amendments to the floor very quickly, we could debate them, and we could dispose of them. We could have a good debate, we could take whatever time that needs to be taken, Members could come to the floor to debate the amendment, and we could move on.

Let me ask my colleague this. In light of that objection, I wonder if we could set a time certain at least to find out if they would be prepared to set a time certain for a vote on passage for later today or perhaps tomorrow?

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. REID. Madam President, it is clear that we have had a number of days that have been wasted on this piece of legislation. As to whose fault it is, there is lots of blame to go around. I don't think we need to get into the blame game. But the fact is, we have 29 Members of the Senate who are ensconced in Dirksen 109 or 106, whatever the number—that is where I was headed a few minutes ago—on the supplemental appropriations bill dealing with funding for the military in Iraq and the reconstruction of Iraq. That meeting started at 10 o'clock today and is going as we speak. So we have approximately a third of the Members of the Senate who are there, one of whom is MARY LANDRIEU, the co-manager of this bill. She indicated to me today, earlier today, she wanted to be there during the deliberations on that most important piece of legisla-

tion, some \$87 billion that we have been asked to mark up and get to the Senate floor today. That bill will be on the floor this evening unless something goes wrong. Otherwise, it will be here tomorrow.

So I understand, having managed a few bills in my day, how the Senator from Ohio would have loved to get this bill finished 2 days ago. But under the present status of the Senate, with the total thrust for the next 2 weeks being on the \$87 billion that the President has requested, I think we would all be better served if the DC bill were taken from the calendar—which it will be just in a matter of hours. But I would love to see the bill passed.

I, by the way, a number of years ago, 15 years ago or so, was the chairman of the DC appropriations committee. I know it is an interesting subcommittee, and I enjoyed it very much. There is so much that needs to be done for the District of Columbia—in education, certainly. We just have a different outlook on what should be done to help education.

But separate and apart from that, I think if we would take the contentious issue dealing with vouchers from this bill—and you can sugarcoat it and call it scholarships or whatever you want but we are both talking about the same subject—this bill would pass in a matter of not hours but minutes. So I hope for the District of Columbia, that we would do that as quickly as possible.

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

Mr. REID. I am happy to yield to my friend from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. DEWINE. If my colleague will yield for just a minute and I will finish, I am sorry to hear that. I understand what the position of the Senator is. We will continue to move on and try to get this bill passed.

Mr. REID. I am happy to hear from the Senator from Massachusetts.

Mr. KENNEDY. I ask the good Senator, it is my understanding that, if we did not have the issue of the imposition of vouchers on the District of Columbia, we could move right to third reading?

Mr. REID. In a matter of minutes.

Mr. KENNEDY. In a matter of minutes. Since this involves an education issue, and we on our side believe it is an extremely important education issue, that it is appropriate we have a full discussion about what exactly are going to be the educational implications of a voucher program, I wonder if the Senator remembers that in 1996, the Senate voted four times on the motion to invoke cloture on the DC appropriations conference report, and all four times the motion and the effort to impose vouchers on the District of Columbia failed?

We have never tried to have a voucher program in any other city of the country since 1996. It is only the District of Columbia.

All four of those attempts in 1996 failed, and since 1996 have failed. It is 2003 now. In 1997, the Senate voted 58 to 41 to reject the motion to invoke cloture on the Coats amendment. Four times in 1996, all imposing vouchers on the District of Columbia. In 1997, another vote.

In the time from 1996 to 2001, not one of our colleagues—and this is my question—not one of our colleagues who have been out speaking in favor of vouchers have ever asked any city in their State to impose vouchers. Does the Senator find that this is somewhat peculiar? We have these voices that are on the floor of the Senate: Let's rush this thing for the District of Columbia. And yet over the last 7 years that we have been voting on this, not one of them has asked to impose vouchers on any one of the cities in any one of their States?

Mr. REID. I respond to my friend from Massachusetts, it is no wonder that people who live in the District of Columbia have bumper stickers that say, "No Taxation Without Representation." It is no wonder that the people, hundreds of thousands of people who are American citizens, who live in the District of Columbia, are treated like second-class citizens. They do not even have a Senator. They have a non-voting delegate.

I say to my friend from Massachusetts, it is no wonder that people of the District of Columbia believe they are being treated like a stepchild. Are they part of this great country? People who live in the Nation's Capital can't do things that every other citizen in this country can do.

Mr. KENNEDY. Madam President, this gets to the point. I don't know whether he will agree with me. We don't try to impose this voucher program on the State of Nevada. We don't try to impose it on the State of New Hampshire or the State of Ohio or the State of Massachusetts. Does the Senator not find—I think he will—it extraordinary that we are prepared to try to impose it on the almost 600,000 people who live in the District of Columbia, who do not have any representation here to speak for them? Why aren't our friends on the other side of the aisle—mostly on the other side of the aisle—who oppose vouchers trying to impose them on the State of California or Massachusetts or Nevada? They don't ask for that. They take the District of Columbia, that doesn't have a spokesperson out here to speak for them on this issue—though it has been considered by the people of the District. It has been thoroughly and completely rejected by the majority of the school board, the school council, and the majority of parents.

What is it about our friends asking my good friends tonight, Why are we holding this up? Are they willing to accept the voucher program for the State of Ohio or for some other State, rather than imposing it on the District? I find this extraordinary.

I don't want to delay the Senator. I know he has other business. I know he will have some difficulty reading this chart. But it shows that the majority of elected officials, community leaders, and organizations in DC oppose vouchers. This is the list of the elected officials. Obviously, ELEANOR HOLMES NORTON. And it goes down to the council members, the board of education, the local organizations, various church groups, parents groups, and all the rest.

It troubles me that so many of our colleagues are willing to try to impose something on a particular community that doesn't have representation here in the U.S. Senate, where so many are against it, and when it has such broad educational implications.

I know the Senator has responsibilities. If he has a moment, the Senator remembers our long and extensive battle to try to bring reform to our public schools. We understood that we needed two elements: Reform and resources. We had the reform and the resources. Then the administration backed out.

But this chart shows public schools are held accountable when students fail. Private schools are not held accountable. Public schools are required to see that every child is taught by highly qualified teachers. In the No Child Left Behind Act, that was the requirement for 4 years. There has to be a highly qualified teacher in each classroom. There is no such requirement here, in private schools. Public schools must provide parents with report cards. Private schools don't have to provide public report cards.

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

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

DC PUBLIC SCHOOLS ARE IMPROVING: TRANSFORMATION SCHOOLS

School	Read (2002)	Math (2002)	Total (2002)	Read (2003)	Math (2003)	Total (2003)
Simon ES	46	43	89	56	63	119
Noyes ES	42	43	85	58	56	114
Davis ES	45	51	96	50	59	109
LaSalle ES	47	51	98	47	54	101
Turner ES	43	45	88	48	52	100
Cookie (H.D.) ..	43	45	88	46	53	99
Wilkinson ES ..	35	38	73	42	48	90
Stanton ES	39	40	79	38	44	82
Terrell JHS	37	38	75	35	45	80
Evans MS	36	40	76	38	41	79
Kramer MS	41	43	84	39	41	80
Walker-Jones ..	41	42	83	37	39	76

Average scores on the SAT 9 Achievement tests.

Mr. KENNEDY. Finally, the public schools are required to accept and serve all students. Private schools are not required. As we understand, many of the private schools can't do this because they don't have either the facilities for special needs children, or the trained personnel. We understand that.

But, nonetheless, the Senator would agree with me that public school systems have served our Nation well. They are taking all children. And they would serve much better if we had an administration that would fulfill its commitment, in terms of supporting them and No Child Left Behind.

Mr. REID. My friend has been a long-standing Member of this most important committee where we have dealt with matters of education for decades in the Senate. We know that private schools, most of the time, give kids more attention. We have all heard these reports. But as the Senator from Massachusetts pointed out, they do not have to accept children who are physically or emotionally or mentally handicapped. Public schools have to take all the kids. It makes it more difficult.

We should be devoting our attention to helping the District of Columbia have the resources so they can take care of all the problems they have in public schools.

Mr. KENNEDY. May I ask the Senator a question on this? It is very interesting. We will have a chance to get into this in more detail.

They say, yes. They say, well, Senator, kids will have some kind of lottery in terms of the selection, in terms of who will attend. But there is nothing in here that requires the school to accept what the outcomes are. People run around saying: Oh, yes, we have a better system. But nothing requires them to take the children who go through this process, unlike the public school system.

Mr. REID. Private schools can pick and choose who they want. They can pick and choose the voucher kids who would be submitted to them from the school district here in the District of Columbia. Of course, who would not be accepted? A kid would not be accepted, of course, if the kid had a physical disability or a mental or emotional disability or has maybe been unruly in the past.

I appreciate very much the Senator in effect assisting the debate today. It is not as simple as going to third reading and passing the bill. If we really care about the District of Columbia, let us give them the resources they need, strip this voucher stuff off of it and come back and take a look at it again some other time.

But I would resent this Senate forcing down the throat of the people of the State of Nevada a program dealing with vouchers in the State of Nevada which the State of Nevada did not approve first. The voucher program for the District of Columbia has not been approved by the authorities in the District of Columbia. You have an elected official or a mayor walk out and say: I like it. But if he looks at it, he has gotten a few other goodies for the District. You have to ask him. But it appears to me that a few other goodies are enticing him to go along with this.

Regardless of that, he is in the minority because largely everyone in the District opposes what he wants.

I deeply appreciate the Senator from Massachusetts joining with me on the floor this afternoon.

Mr. KENNEDY. I thank the Senator.

Just to continue the observation, of course, if the District of Columbia

wanted to go ahead with the program, there is nothing prohibiting them from going ahead and developing this program on their own. That is the extraordinary irony. That is what I say to those who suggest we are holding this legislation up. We cannot pass this part if it has this mandated program in terms of vouchers which has very important educational implications, not only in terms of this bill, but in the broader sense in terms of our country.

If the District of Columbia wanted to develop a program, they could do it themselves. They haven't, as has been pointed out. Effectively, we are requiring them to do so.

I am going to have more of a chance to speak on this issue, but I want to draw to the attention of the Senate the progress that has been made in what we call the transformation schools in the District of Columbia. I will take time to go through the bill in detail when we get a chance to return to it.

Some things just come out at you when you look at the District of Columbia schools. And I have had the opportunity to look. I have the good opportunity to read at the Brent School. I will read there weekly, starting in October again for this year. I have been doing that now for 7 years—this will be my seventh year. I have also taken the opportunity to speak at graduations in the District of Columbia. I did this this year. I look for that opportunity when I can, and will continue to do so.

The fact is, just a few years ago we passed the No Child Left Behind Act, with some rather basic and fundamental principles on this idea of developing the curriculum that was going to be appropriate for these children, and which was going to require well-qualified teachers to teach the curriculum. We are going to examine the child as he or she goes through the year, to find out what the child does not know. We are going to have support services for that child so they can keep up, and well-trained teachers. We have accountability for the parents so they will have information for accountability of the schools, and accountability for everyone, including the Federal Government. We are the ones who failed in terms of providing the resources to which we committed, but the transformation schools in the District of Columbia have followed many of these same principles as in No Child Left Behind.

We have made very important progress in these transformation schools. They are demonstrating the essential elements of what was in the No Child Left Behind Act. We know what works. We don't have to rediscover and find out what works. That is what is so tragic because we know the progress that has been made in these transformation schools. We know the needs. We know the struggle those parents have keeping their children in the transformation schools. We know the pressures the teachers face.

Although my chart is small, it shows the transformation schools. It compares their scores in reading and math for 2002, and reading and math for 2003. The progress is dramatic. We know what works.

We will have a chance to review this. I ask unanimous consent that the progress of a number of these transformation school be printed in the RECORD. One school is Simon Elementary School located in Ward 8, one of the poorest wards in the city. It serves 400 students, almost entirely African Americans, with 10 percent special education. Last year they raised assessment by 30 points in reading and math combined. Reading scores rose 10 points and math scores rose 20 points. Noyes Elementary School is another transformation school which is showing significant improvement.

With the resources we have available, invest in what we are doing rather than trying to superimpose another system on the District of Columbia.

I will elaborate later in the debate.

Ms. LANDRIEU. Mr. President, I ask unanimous consent to print the following letter from Paul Strauss, District of Columbia "shadow" Senator.

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

OFFICE OF THE U.S. SENATOR
FOR THE DISTRICT OF COLUMBIA,
Washington, DC, September 30, 2003.

Hon. MARY LANDRIEU,
Ranking Member, Committee on Appropriations,
Sub-Committee on the District of Columbia,
U.S. Senate, Washington, DC.

SENATOR LANDRIEU: As the United States Senator elected by the voters of the District of Columbia, I have watched the debate over my District's budget closely. In that capacity, I appreciate all of your hard work on behalf of my community. However, I also want to thank you, perhaps even more significantly, as the parent of a little girl who attends our local DC Public School.

This year, after two years of private religious Pre-K education, my wife and I decided to enroll our daughter, Abigail Lafleur Strauss, in our local public elementary school. While many of DC's elected officials have weighed in on this debate, I believe I am the only official who's child actually is presently enrolled in our often unfairly maligned Public School system.

Choosing to put my daughter in a DC Public School was not a decision we made for financial reasons. We are fortunate to have had options, but it is not a decision that we regret. I must ask those Senators who have taken the floor in recent days to broadly attack all of the District's Public Schools, please consider the damage that this inflammatory and insulting rhetoric causes. Like any public institution, our schools thrive on their relationship with their community. While DC, like many other urban areas have our share of problems, significant numbers of DC Students get a quality education in our public schools. When even our non-failing schools are attacked, these children and the hard-working teachers that serve them are done a great injustice.

The school voucher program that is currently included in the District of Columbia appropriations bill (H.R. 2765) is a further injustice to the District of Columbia public schools and its pupils. I have heard the arguments advanced by the supporters of the

voucher program, who argue that this agenda will grant low-income families a choice as to where their children can receive an education. I have watched your attempts to repair some of the major defects in the legislation as it is presently written, and bring some accountability to a program that has not been the subject of any hearings, not been adequately studied. In its present form, it is unlikely to achieve even partially the objectives of its supporters, and if I had a vote, I would support Senator Durbin's motion to strike this entire portion of the bill.

After all of the hard work done by this Congress on education, to go from a policy of "Leave No Child Behind", and replace it with "Leave All But Up to 7,500 Children Behind" is troubling to say the least. The reality is, that vouchers discriminate, helping few students, as a vast majority of students are left behind with a failing education.

If this body decides to allocate federal funds to improve the education of children of the District of Columbia, that would be very appropriate. Please remember when you consider the District of Columbia Appropriation, that while obviously, all of the locally raised funds by their very nature come from DC Citizens, a significant portion of those federal funds come from the locally residing Federal taxpayers of the District of Columbia as well. Those same Federal taxpayers, whose sole representation in this body is limited to the submission of written statements by a so-called "Shadow Senator" who is forced to watch this debate from a seat in the family gallery.

I urge that those funds be pumped into the public schools where they will be most beneficial, and in that regard I appreciate the committee's mark for Public and Charter School improvements. All children will benefit from public schools supplied with well-trained staff, school supplies, books, secured facilities, and other needed resources. Even though, these vouchers are to be funded with so called new or additional federal money, in the end, the voucher program will only drain resources and the funding for the Public Schools. For one thing, there are no guarantees by this administration to continue funding in the next fiscal year. We could start this program in fiscal 2004, and then be forced to drain local funds to sustain it in fiscal years to come. Or, even more likely, the Senate may choose to fully fund this three-tiered approach, only to have the additional funds for Public and Charter Schools struck from the bill in Conference.

I realize that my Mayor, Anthony Williams, is a supporter of the voucher program. I respect Mayor Williams. I voted for the Mayor the last time around, and I agree with him on a great many issues. I disagree with him on this issue, but I was nevertheless proud to welcome him to the Senate, when he availed himself of his Rule XXIII privileges and certainly envious that our local Chief Executive has this prerogative. I ask you to consider for a moment the irony that the DC Mayor has the privilege of the Senate floor, while DC's own elected United States Senator does not.

I was even more astonished at the suggestions by some members, mostly in the Majority but a few of my own Democratic colleagues as well, that somehow, by imposing vouchers on the District of Columbia, they are advancing the cause of Home Rule. The Senate needs to understand that if the locally selected Board of Education wanted to fund a voucher program, they would do so. Instead, the fact that the President of the Board of Education chose to bypass the School Board, does not mean that the School Board wants vouchers. It is also true, that one member of the Council of the District of Columbia supports vouchers. However,

Councilmember Chavous did not introduce a bill to create this program. He could have, he did not. The fact that he chose to bypass his colleagues on the DC Council does not mean that the DC Council wants vouchers. Nor does the fact that this Mayor, the first DC Mayor to appoint half the school board, the Mayor with more authority over local education than any of his predecessors, wants vouchers mean that the Senate is free to disregard the viewpoints and wishes of a majority of DC's elected officials, and ignore the due process system of checks and balances that are part of our limited home rule government in the District of Columbia. The reality is that, vouchers are being advanced by the President, over the objections of the majority of DC residents.

I know voucher proponents sincerely believe that they are looking after the best interests of the students of the District of Columbia; however, I urge them to consider the negative effects that the voucher program will have on the public school system and the pupils of the public schools. Let us show our faith in the American public school system, and let us not turn our backs on the children of the American public school system.

To those Senators who claim that this is not about vouchers, but claim only to be supporting Democracy by promoting the objectives of our popularly elected Mayor, I point out to you, Senator, that Mayor Williams also supports budget autonomy and full voting representation in the Senate for DC Residents. Where will these sudden champions of DC's self-determination be when it comes to these issues? If the Senate is sincere in advancing the so-called local agenda, then all they need to do is simply support full Budget Autonomy, and let the District decide on its own. Then we can see where the District's officials really are on this issue.

I thank you for all your work on behalf of my constituents in the District of Columbia.

Sincerely,

PAUL STRAUSS,
U.S. SENATOR,
District of Columbia (Shadow).

IRAQ

Mr. KENNEDY. Madam President, as Congress continues to debate President Bush's request for the massive sum of \$87 billion as the next installment to pay for its flawed and failed policy in Iraq, the administration frequently compares it to the Marshall plan, which was so successful in rebuilding Europe after World War II and transforming them into new democracies.

Sadly, the most obvious area in which the administration's proposal on Iraq corresponds to the Marshall plan is its cost to the American taxpayer. And the comparison here is hardly to the administration's advantage. Under the Marshall plan, \$88 million—in today's dollars—was spent over 4 years. The Bush administration is now asking for \$87 billion for Iraq for next year alone.

There are many differences between the Marshall plan and the President's unprecedented \$87 billion request on Iraq. The most important is that the Marshall plan deserved to be called a plan.

The Marshall plan was formally proposed in 1947 at Harvard in a commencement address by George C. Marshall, the famous World War II General who had become Secretary of State

earlier that year in the Truman administration. His proposal was discussed at an international conference in Paris that include 16 nations. More than a full month of congressional hearings were held in which over 90 witnesses testified.

At the conclusion of the extensive congressional debate, Senate Arthur C. Vandenberg, who had been a leading critic of the Truman administration's foreign policy, described the plan as "the final product of eight months of more intensive study by more devoted minds than I have ever known to concentrate upon any one objective in all my twenty years in Congress."

Compare that to what is happening today. Instead of a well-deliberated and well thought-out plan, the Bush administration has given the Congress a 2-month-old, 28-page "working document" and asked us to write a blank check for \$87 billion for Iraq. That request came to Congress just 6 months after we had earlier provided \$78 billion for the war.

I doubt that at the end of this debate, any Senator would be willing to describe a 2 month old "working document" as glowingly as Senator Vandenberg characterized the Marshall plan.

In the 13 days since the administration presented this proposal to Congress, we still have not been able to obtain answers to critically important questions. How will the administration involve the international community in a genuine way in the rebuilding of Iraq? Can we count on additional foreign troops to share the burden or not? How long will American troops and foreign troops remain in Iraq?

It has become increasingly clear that the President and the Pentagon never had any idea about the cost of what they wanted to do in Iraq. In this arrogant go-it-alone attitude toward other nations, they thought they could plan Lone Ranger in the world, and instead they have become a very lonesome cowboy.

Now our troops are paying for it with their lives.

In its rush to war, the administration failed to recognize the danger and complexity of the occupation. They repeatedly underestimated the likely cost of their enormous undertaking.

Opposing voices in the administration were ignored. Last September, chief presidential economic advisor Lawrence Lindsey said that the total cost of the Iraqi war might be as much as \$200 billion. His estimate was quickly refuted by White House Budget Director Mitch Daniels, who said Lindsey's estimate was "very, very high" and suggested the cost would be a more manageable \$50 to \$60 billion.

Independent analyses at that time indicated that the cost might approach \$300 billion. Secretary of Defense Rumsfeld called them "baloney."

Last spring, as part of a broader effort to win the support of the American people for the military operation, the

administration began to argue that "Iraq can pay for its own reconstruction." The war might be costly, we were told, but it would be quick and decisive. The financial obligation of the United States would be limited, because the liberated Iraqi people would use their extraordinary wealth from the world's second largest reserves of oil to finance the reconstruction.

In a February 2003 White House briefing, Ari Fleischer argued that "Iraq, unlike Afghanistan, is a rather wealthy country. Iraq has tremendous resources that belong to the Iraqi people. And so there are a variety of means that Iraq has to be able to shoulder much of the burden for their own reconstruction."

In March, Defense Secretary Rumsfeld told the House Appropriations Committee, "I don't believe the United States has a responsibility for reconstruction, in a sense . . . [Reconstruction] funds can come from those various sources I mentioned: frozen assets, oil revenues, and a variety of other things, including the Oil for Food program, which has a very substantial number of billions of dollars in it."

At the same hearing, Deputy Secretary of Defense Paul Wolfowitz said, "The oil revenues could bring in between \$50 and \$100 billion over the course of the next 2 years . . . We're dealing with a country that can really finance its own reconstruction, and relatively soon."

Also, at that same hearing, Deputy Secretary of State Richard Armitage said, "This is not Afghanistan . . . When we approach the question of Iraq, we realize there is a country which has a resource. And it's oil. And it can bring in and does bring in a certain amount of revenue each year . . . \$10, \$15, even \$18 billion . . . this is not a broke country."

What the Nation heard was clear: Don't worry about the cost. Iraq can finance its own reconstruction.

In fact last March, the administration was so confident of this that it put a \$1.7 billion price tag on the reconstruction effort in Iraq. Shortly after the war began that month, Administrator Andrew Natsios of the Agency for International Development confidently proclaimed:

The rest of the rebuilding in Iraq will be done by other countries who have already made pledges—Britain, Germany, Norway, Japan, Canada, and Iraqi oil revenues . . . The American part of this will be \$1.7 billion. We have no plans for any further-on funding of this.

The administration embraced the Iraqi self-sufficiency argument as recently as the end of July, when OMB Director Josh Bolten testified that the administration did not "anticipate requesting anything additional for the balance of this year" with regard to Iraq operations or reconstruction.

Just 5 weeks later, President Bush stunned the Nation by saying that \$87 billion in additional funding—including \$20 billion for reconstruction—was needed.

Why the change? Ambassador Bremer says Iraq has an unsustainable level of foreign debt—nearly \$200 billion—left over from Saddam which would prevent use of Iraq's oil wealth to pay for the reconstruction.

Iraq's enormous debt was already well-known. But the administration chose to ignore it in order to convince the public that the costs of reconstruction would be low.

The architect of much of the Iraqi war plan, Deputy Secretary of Defense Paul Wolfowitz, is now saying that we knew all along the war would be expensive. Despite earlier claims that Iraq could pay for its reconstruction and relatively soon, Secretary Wolfowitz told the Senate Armed Services Committee on September 10: "No one said we would know anything other than this would be very bloody, it could be very long, and by implication, it could be very expensive."

Secretary Wolfowitz never told the American people it could be very expensive. Until this month, no one in the administration—other than Larry Lindsey—said it would be expensive.

This is worse than fuzzy math, and the American people have a right to be furious about it.

And they will be even more furious about it as they learn what we are being asked to fund: \$400 million for maximum-security prisons. That's \$50,000 a bed; \$800 million for international police training for 1,500 officers, that's \$530,000 an officer; Consultants at \$200,000 a year. That's double normal pay. It is double their profit margin too? And \$164 million to develop a curriculum for training Iraqi soldiers. Why does it cost that much to develop a curriculum? And \$1.4 billion to reimburse cooperating nations for logistical, military and other support provided to U.S. military operations; \$100 million for the "United States Emergency Fund for Complex Foreign Crisis"; \$15.5 million to the European Command for countries directly supporting the war on terror.

Before Congress rubber-stamps the administration's \$87 billion request, we need answers. We need accountability. We need the truth. The amount of money is huge. It is more than the combined budget deficits of all 50 States for 2004. It is 87 times what the Federal Government spends annually on afterschool programs. It is 2 years worth of unemployment benefits. It is enough to pay each of the 3.3 million people who have lost their jobs in the past 3 years more than \$25,000.

It is seven times what President Bush proposed to spend on education for low-income schools in 2004—seven times the amount. It is nine times what the Federal Government spends on special education each year. It is eight times what the Government spends on Pell Grants to help middle and low-income students go to College. And it is larger than the total economy of 166 nations.

Clearly, we need to require competitive bidding for Iraqi contracts. Left to

its own devices, the administration will continue to make sweetheart deals with American contractors at the taxpayer's expense.

A third of the \$3.9 billion monthly cost of the operations in Iraq is quietly flowing to private contractors. Halliburton alone has already received more than \$2 billion in contract awards—an amount that exceeds Administrator Natsios' original \$1.7 billion estimate for the total U.S. cost of the reconstruction of Iraq. More than \$1.2 billion was awarded in noncompetitive bidding. The Iraqi people deserve the benefits of peace, but instead, the administration's friends in corporate America are divvying up the spoils of war.

Is Halliburton the company best able to get the job done efficiently for the U.S. in Iraq?

In 1997, the General Accounting Office found that Halliburton's construction subsidiary in the Balkans had billed the Army \$85 a sheet for plywood that actually cost \$14 a sheet; In 2000, the agency found that the company was charging the Pentagon four times what it should have been charging for office cleaning; In 2002, the company paid the U.S. "\$2 million to settle fraud claims at Fort Ord." At a minimum, all contracts should be provided on a competitive basis—no exceptions.

Why not scale back the lavish resources being provided to contractors and consultants and provide larger sums directly to the Iraqi people? It is their country. They have the greatest stake in the success of their reconstruction, and involving them will enhance the prospects for success.

In some areas of Iraq, military officials have already been able to achieve impressive results with small amounts of money. One former military official told me that the U.S. military funded the building of a cement factory for just \$100,000. The bid by an American contractor for the same project was in the millions.

Iraq has many of the best trained oil engineers in the world. Why not give them—rather than large American companies—a larger role in rebuilding the industry?

As the Congress debates this funding, we will be looking for answers from the administration to these questions. We will be insisting on accountability. The administration cannot continue to low ball the cost and make up its plan day by day. It can no longer cook the books.

The administration's failure to have a plan is costing too many lives and too many dollars. It would be irresponsible for the Congress to write an \$87 billion blank check for the administration, without demanding an honest plan to achieve stability in Iraq, involving the international community in the rebuilding, and preventing the disaster in the making we have caused.

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

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

Mr. DORGAN. Mr. President, within the past hour or so the Senate Appropriations Committee finished its work on the supplemental appropriations request that President Bush has made for Iraq and Afghanistan. We had a rather lengthy session today starting at 10 this morning. We had a series of votes on a range of important issues. I wanted to comment about what we can expect on the floor of the Senate. I offered some amendments. I want to describe one of them for a moment because I intend to offer it tomorrow morning.

The supplemental appropriations bill that is necessary for Iraq is an important issue. The President has asked for \$87 billion in additional funding, immediate and urgent funding on an emergency basis for Iraq. Roughly \$65 billion, close to 66, is for the military, and another \$20.3 billion is for reconstruction in Iraq. I want to talk about the reconstruction issue because that is critically important.

The question is this: Should the United States taxpayer bear the burden of \$20 billion for reconstruction of Iraq? Among the list of items of reconstruction in a 55-page document from the administration are the following: \$9 million to create a ZIP Code system, the purchase of a fleet of garbage trucks at \$50,000 a truck, creating 2 prisons with 4,000 beds at \$50,000 a bed, and the restoration of marshlands—and I could go on.

Many of these things may be desirable, but they are not urgent.

Let me also say that in our recent military campaign in Iraq, the so-called Shock and Awe campaign—a devastating military campaign that very quickly crushed Saddam Hussein's army—we deliberately avoided damaging the infrastructure of Iraq. We deliberately did not target the electric grid, the powerplants, roads, dams.

So while reconstruction for Iraq may be necessary, it is not because this country damaged Iraq's infrastructure. Instead, Saddam Hussein for many years took from the economy of Iraq and provided to his military. He starved Iraq's economy, and the economy is in pretty tough shape.

Now, Iraq is a country of about 24 million people, something close to the size of the State of California. It is not an impoverished country flat on its back with no hope and no resources. This is a country that has the second largest oil reserves in the entire world, with liquid gold under its sands. It has the capability, Ambassador Bremer said, of pumping 3 million barrels of oil a day beginning in July next year. Three million barrels a day means Iraq will produce \$16 billion a year of net

export value of oil, conservatively. That is \$160 billion in net export of oil in the next 10 years or \$320 billion in 20 years.

Members of the Iraq Governing Council were in town today, and the chairman of the Iraq governing authority said: It is not 3 million barrels, we are going to produce 6 million barrels a day, and we have the largest oil reserves in the world.

Now, I don't know who is right about that. But this country of 24 million people has massive oil reserves, the pumping of which will produce substantial revenue that ought to be used to reconstruct Iraq.

So it is incomprehensible to me that the Administration would be requesting that the cost of reconstruction be born by the American taxpayer.

Do you want to know who said it was not the American taxpayers' job to reconstruct Iraq? Paul Wolfowitz, the Assistant Secretary of Defense.

He said: This will be paid for with oil revenue.

Vice President DICK CHENEY also said: Oil revenue will help pay for the reconstruction.

Mr. Natsios, the head of USAID, said reconstruction in Iraq would cost \$1.7 billion, and that would be the total cost to the American taxpayers for the reconstruction of Iraq. He said this 5 months ago, and he said it three times on the same Ted Koppel program.

To a person, the folks in this administration who spoke to this issue have said the reconstruction of Iraq should be done with the use of Iraqi oil proceeds.

Now, I offered an amendment in committee today. It lost by a vote of 14 to 15. It lost by just 1 vote. My amendment directed Ambassador Bremer, working in consultation with the Iraqi Governing Council, to establish an Iraq Reconstruction Finance Authority. The amendment said that this Authority's mission would be to sell securities against future oil revenues, to raise the money to reconstruct the country of Iraq. I mentioned that Iraq could earn \$160 million from oil over 10 years. If that Reconstruction Finance Authority would borrow \$30 billion at 6 percent for 10 years, they would repay it at \$4 billion a year.

That is an easily achievable goal for the country of Iraq. And it would mean, simply, that Iraqis would use their oil to finance the reconstruction of their own country.

When this amendment failed in committee today, we were told that, instead, the American taxpayers should pay this bill.

Let me talk just for a moment about how my amendment—which I will offer again on the floor of the U.S. Senate—would work. I am not suggesting we loan money, I am not suggesting we have a guaranteed loan, I am not suggesting the American people take the Iraqi oil and sell it and use the proceeds. I am suggesting the Iraqis construct an Iraqi-controlled authority,

called the Reconstruction Finance Authority, and that that authority use Iraqi oil as collateral for loans, or as security for bond issues. That financing would then be used to reconstruct Iraq. This is Iraqi people, using Iraqi oil, to invest in Iraq. It has nothing to do with the United States getting its hands on Iraqi oil. But it does have to do with relieving the burden on the shoulders of the American taxpayers, the responsibility to pay \$21 billion for the reconstruction of Iraq.

When I asked Ambassador Bremer about this, I said: Mr. Ambassador, why can we not collateralize or securitize Iraqi oil, and let Iraq oil pay for the reconstruction of Iraq? His answer was: Senator, Iraq has a very substantial foreign debt. It owes a lot of money to other countries, such as Russia, France, and Germany, he said. Therefore, it can't pay for the reconstruction.

After the hearing, I did some research on Iraq's debts. I discovered, in fact, that Iraq does owe a fair amount of money. It was Saddam Hussein, of course, who committed his people to those loans and other things. Saddam Hussein's government doesn't exist now; he is not there; he has vanished. But it is true that Saddam Hussein had foreign debt. The largest debt, however, is not—as Mr. Bremer suggested—to Russia, France, or Germany. The largest debt the country of Iraq owes is to Saudi Arabia and Kuwait. Oh, they owe some to Russia, France, Germany, and others, to be sure. But the largest debt is to Saudi Arabia and Kuwait.

Wouldn't it be perverse if, as Ambassador Bremer suggested, Iraq oil had to be pumped out of the ground to provide the cash that would allow Iraq to send money to Saudi Arabia and Kuwait—two of the wealthiest countries in the world—so that the U.S. taxpayer could come in on the back side and reconstruct Iraq? In other words, does it make sense for the American taxpayer to ante up the money to reconstruct Iraq because Iraq's oil has to be used to send checks to the Saudis?

I am sorry, I came from a really small town, but I recognize something really stupid when I see it. Has this town lost all common sense?

Perhaps we can pump a little common sense back into this system when we have this debate on the floor of the Senate tomorrow. I intend to offer the same amendment tomorrow on the floor of the Senate, and I intend to get a vote on it. I know it will be second-degree and we will have all kinds of machinations. I intend to hang in there and get a vote eventually on the amendment I offered in the Appropriations Committee.

I intend to ask this question on behalf of the American taxpayers: Do you really think this burden ought to belong to the American taxpayer? Don't you believe a country with the vast resources that exist in Iraq ought to be able to produce these resources from their oil and invest back into that

country? The answer is clear to me, and I think it is clear to a lot of Americans.

We have debates on a lot of issues here, and I find it interesting that sometimes there is an issue of \$2 million, sometimes \$20 million, sometimes \$200 million, or perhaps \$2 billion, and we spend countless hours debating that. Well, this is \$20 billion. This is a \$20 billion "urgent emergency" that is being moved without a lot of debate.

The Administration has proposed a whole list of things for Iraq as part of this \$20 billion request, including English as a second language training, advanced business classes, computer literacy training. The Administration wants to improve Iraq's sewer systems, because only 6 percent of Iraqis have good plumbing. Under the Administration's proposal, about 12 percent of Iraqis would have good plumbing.

Another interesting item the Administration is proposing is marshland restoration in Iraq. I find it really interesting that they would describe marshland restoration as an "emergency."

There are so many things in this 55-page document, that I hope all of my colleagues will read, which represent the urgent menu for reconstruction in Iraq, and the question that will be asked, or should be asked, is: who bears the burden?

I am not suggesting reconstruction is not necessary. It is very likely that when Iraq has this reconstruction—and perhaps that should happen sooner than later—Iraq will be a safer and a better place with an expanded economy, and perhaps we will be able to bring our troops home earlier. And I obviously want American troops to be able to come out of Iraq as soon as possible and let Iraq control Iraq's destiny.

I believe reconstruction will be a part of the key to doing a lot of important things in the future of Iraq.

But I believe the question of how do you function with this reconstruction issue hanging over our head, as to who should finance it—I think that is a critical question.

I cannot tell you how many times we have come here to talk about joblessness in this country, people losing jobs. My colleague, the other day, talked about Huffy bicycles. I went to one of these big department stores—I will not describe the one I was at—and I saw a big row of Huffy bicycles. They used to be made in Ohio. Not anymore. All of those jobs are now Chinese jobs. They flat out moved all of those jobs. So if you buy a Huffy bicycle, you are buying a Chinese bicycle. Why? There are lower wages over there.

We have all these issues about job training, joblessness, trade, promotion of U.S. products and commodities, and so on. But when we offer an amendment, we are told we just don't have the money, we are deep in debt. But all of a sudden, when it is Iraq reconstruction, it is Katie bar the door; we have as much money as you need; it doesn't

matter. All of it has to go for that; you cannot take one piece out because it is part of a package, it is symmetrical. Boy, it is one of these things where, when you pull a loose string on a cheap suit, the arm falls off.

So I think we need to rethink the Administration's request with respect to reconstruction.

Now, let's make sure we support our troops. This country should not send its sons and daughters to war and then say we won't support them.

But on the issue of reconstruction of Iraq, let's make a better decision and a different decision, especially with respect to the use of oil revenues and the resources that exist in Iraq.

I will speak tomorrow on that amendment. I see my colleague from Alaska is here. He sat in the chair from 10 o'clock to 5 o'clock this afternoon chairing the Appropriations Committee. While we had some disagreements and perhaps raised our voices a couple of times today, he is a chairman for whom I have the greatest respect. The way he handled that committee today demonstrates his skill in this Chamber. I only wish he would support my amendment. It would be a whole lot easier to adopt it. It probably would not even have a recorded vote if he were supporting it.

I thank him for his leadership in the committee. I hope we will have an aggressive and full debate about these issues tomorrow when he brings the bill to the floor. I will pledge this: I know they want to move along to deal with these issues, so I will come to the floor early and offer my amendments. I want to have a full opportunity to discuss and debate them. The chairman will not have to inquire about whether I am going to come to the floor at some point soon. I will be here when we bring the bill to the floor tomorrow and hope to play a constructive role in improving the bill.

Mr. President, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ORDER OF PROCEDURE

Mr. FRIST. Mr. President, after a lot of discussion over the course of the day, a lot of progress having been made due to the chairman and ranking member on the Appropriations Committee, the Democratic leader and I wanted to come to the floor and clarify and share with our colleagues how we see the next several days, and actually the first few days after our recess, play out in the sense that our mutual goal is that we address the Iraq and Afghanistan emergency supplemental bill in a

way that allows adequate time, appropriate time for debate, discussion, amendments, and voting.

Knowing this Iraq supplemental would be delivered to us about a week and a half ago, we set out with the plans of last week being very intensive in terms of hearings, the flow of information, with the goal this week of addressing this bill on the floor of the Senate.

Today, a few minutes ago, the chairman and ranking member reported out the supplemental bill through the Appropriations Committee and thus it is ready to be brought to the floor, which we expect to be tomorrow. We will be propounding a unanimous consent here shortly in that regard.

We would see that bill be debated on tomorrow, the next day, and Friday—for the next 3 days—again with adequate time for amendment and debate. Then at the close of business Friday we would begin our recess and spend that next week on the recess, which is through the 13th, and on Tuesday the 14th return and continue with that debate over that week.

The agreement is essentially that we would complete action on that supplemental bill by the end of that week, the week of October 14th through the 17th, by close of business October 17.

In coming to this agreement, it is with a lot of good faith on everybody's part that we will be able to consider all amendments that pertain to the supplemental request, recognizing there will be a lot of amendments on both sides of the aisle and that we deal with those in a way that is fair to both sides. That is the general framework, and I will turn to the Democratic leader to further elucidate on what this general understanding is.

Mr. DASCHLE. Mr. President, I would simply acknowledge that the majority leader has described our understanding very accurately. I believe we are in a position now to agree to the motion to proceed. It would be our expectation we could take the bill up tomorrow morning. I understand the majority leader has suggested maybe an hour of morning business and then we would take up the bill and begin the debate with amendments to be offered by colleagues on both sides.

It is our expectation that we will have an opportunity to offer these amendments and get votes, either on or in relation to—that is a tabling or an up-or-down vote—on these amendments. But it is also our understanding that we will work to finish this bill, as the majority leader has described, by I believe it is October 17, which is that Friday after we return. I think that gives the Senate adequate time to address the bill, to consider amendments. Obviously we need cooperation from Senators on both sides of the aisle with regard to the time requirements because, as the majority leader noted, there are a number of amendments to be offered. The only way we can assure Senators have a voice and have the op-

portunity to be heard is to accommodate all of those who wish to offer amendments by limiting some of the time that will be required for the debate on these amendments.

So it is my hope that working through our managers and my extraordinary partner, the assistant Democratic leader, we can orchestrate the debate with amendments in a way that will accommodate this schedule.

But it is a fair schedule, it is an appropriate schedule, and I think we have the basis of experience now from which to draw the confidence that we can make this work. We have tried this now on several appropriations bills with success without exception. I am hopeful we can demonstrate once again that we can be successful in this—I think the majority leader used the right phrase—good-faith understanding of the way this bill is going to be considered.

I strongly support the effort and hope we can have the good debate we anticipate and expect the cooperation of all Senators as we enter into this arrangement.

I yield the floor.

Mr. FRIST. Mr. President, I will simply close and say it is important for our colleagues to understand that the Democratic leader and I and our assistant leaders and the managers have all worked very closely to come to this understanding, working with good faith as we go forward. I appreciate the cooperation on both sides of the aisle in that regard.

With regard to tomorrow, I do ask unanimous consent that on Wednesday, October 1, at 10:30 a.m., the Senate proceed to the consideration of the supplemental appropriations bill for Iraq and Afghanistan, provided further that it be for debate only until the hour of 12:30, and that the time be equally divided until that time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. FRIST. Mr. President, with that being the case, I think we have a good outline and good plan to address this very important issue, where the difference in philosophies will be expressed and where we can improve where this particular bill needs to be improved.

With that understanding, I think we could announce no more votes for tonight.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

FAA BILL

Mr. REID. Mr. President, the Congress, through legislation, has de-

manded that airport baggage screeners must be public employees. That was a conscious decision made by this Congress, and it was signed by the President.

As a government, we should be equally clear that air traffic controllers should also be public employees accountable to the people they serve.

Acting responsibly, the House and Senate both passed provisions in their respective FAA bills that would retain the inherent "governmental function" of the FAA air traffic control towers and employees. But instead of affirming that the safety of air travelers is the responsibility of the U.S. Government, members of the conference committee, at the urging of this administration, passed a conference report that allowed for immediate privatization of 69 air traffic control towers, some of them among the busiest in the country. This was a failure of policy and a failure of process.

Recognizing the committee's mistake, the House of Representatives has now moved to recommit the bill to conference. Hopefully, the conference committee will follow the mandate of the Senate and House and refrain from trying to privatize air traffic controllers.

This is something that boggles the mind of the people of Nevada and I am sure the people of Tennessee and around the country. When the House and the Senate pass a measure by large votes and it goes to a conference committee, which is made up of just a few members, they should not completely change what the Congress did. That is what they have done here, and it is wrong.

In addition, it will be important for the conference committee to readdress issues dealing with the essential air service, cabotage, and flight attendant security training.

It would be a mistake for the House to hastily convene a conference committee that simply strips language dealing with privatization. The conference report must contain language that blocks an administration directive to reclassify air traffic control services as "commercial." This simply clears the way for private contractors to take over.

Keep in mind that private contractors putting things out for bid at the lowest possible price and looking for profit are going to be controlling air traffic in and out of airports. I don't think that is a good idea.

The people who direct air traffic in and out of our airports are performing critical public safety functions. I hope our colleagues in the House will understand that a conference report that simply strips privatization language will not pass the Senate.

This is in no way to threaten or cajole. In fact, it is just the opposite. It is an effort to beg the House of Representatives to do the right thing.

This FAA bill is important. We want to pass an FAA bill. But the conference

report will not come out of this body if it doesn't have privatization language in it.

This will only lead to further delays in funding essential airport infrastructure and security programs so vital to the safety of the flying public and our economy.

The FAA bill is a jobs and air safety bill, which Congress must pass. We can do this the hard way or the easy way. Of course, I prefer the easy way because it is the right answer for America.

I urge our colleagues to work with us to craft a revised FAA conference report that honors the overwhelming sentiment in Congress against privatization of air traffic control operation and maintenance, protects the U.S. aviation industry from unfair foreign competition, and ensures that the Nation's flight attendants receive mandatory antiterrorism training.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business.

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

DEFENSE PRODUCTION ACT REAUTHORIZATION

Mr. DODD. Mr. President, later today, or at some point, I gather that the Defense Production Act reauthorization bill will be before the body. It expires today, so there is a sense of urgency, I gather, in getting this bill done.

When the bill comes up, my intention is to offer an amendment to the Defense Production Act, the reauthorization bill, for the consideration of my colleagues. I gather from conversation my staff and others have had that there will be possibly some objections to this amendment over jurisdictional grounds.

My hope is something can be worked out on this amendment, so that we can avoid that particular situation. Let me tell you why I say that. This bill, if reauthorized, would reauthorize the Defense Production Act for 5 years.

Presently there is a system in place which allows defense contracts to go to prime contractors, where, as a result of a provision that existed since World War II, offset agreements are permitted in such a way that despite the amount of money we will allocate for these defense contracts, these offset

agreements basically wipe out the dollar amounts that would go to subcontractors and others. The net result is that each year we are losing about 10,000 jobs in the manufacturing sector because of these offset agreements, which were written primarily—I am almost quoting—to provide assistance to war-torn Europe at the end of World War II. It made a lot of sense to try to get resources into those struggling countries so they could get on their feet after the devastation that occurred during World War II.

So these offset agreements were principally designed to assist struggling nations to get back on their feet. There are a lot of ways you might want to describe the European Community today but "war-torn" is hardly one we would use to describe it. These provisions have existed for almost 50 years, and their usefulness is long over.

This really hurts smaller contractors in the U.S. I want to lay out what this amendment will do, if I get a chance to offer it today. I would have offered it in committee but I was told to wait until we got to the floor to have an opportunity to offer it here. Now I am being told I cannot offer it here because we must get the bill done, it expires today, and we don't have time to deal with it.

If I have to wait 5 more years to bring this up, and if we are losing 10,000 jobs in the manufacturing sector each and every year as a result of that, not to mention the dollar loss, and losing subcontractors on a manufacturing base, then I am hard pressed to understand why we would not find a way to accommodate that which is rather modest language here in this proposal. I will explain why.

The amendment is about one thing—saving jobs. Since the Banking Committee began consideration of this important legislation, I have been discussing an issue of great importance to manufacturers in my State of Connecticut and around the country.

I am referring to the issue of foreign offset contracts. Under these arrangements, a foreign nation will agree to buy products from U.S. defense companies only if our manufacturers outsource a considerable amount of work to that country's labor force. This goes back to the end of World War II, as I mentioned. On the face of it, these arrangements might seem relatively benign, promoting a prosperous defense trade among the U.S. and its military allies.

However, as I have learned over the last number of months, these arrangements may, in fact, be weakening the U.S. defense industrial base and producing considerable job losses throughout our Nation. These arrangements are a relic of World War II, when our Nation decided that offset arrangements were one aspect of rebuilding war-torn Europe. I do not think anybody could call me bold or rash if I were to say that the economic infrastructure of Europe as a whole is no longer war-torn in the beginning of the

21st century. On the contrary, it is highly developed and very advanced.

Yet some of our allies on that continent continue to insist that offset arrangements remain a condition of contracting with American firms, particularly defense firms. This is not an issue of trade or protectionist policies. As most colleagues are aware, I have long supported both bilateral and multilateral trade agreements, such as the ratification of GATT and the establishment of fast-track authority for the American President. I am a believer in international trade. That is not what this amendment is about.

This amendment is about outdated practices that, by and large, have caused needless transfer of a countless number of U.S. jobs to our trading partners and our allies, particularly in Europe.

I must confess that when I first began to look at this issue, I was a skeptic. I thought this migration of American jobs abroad was simply the painful but unavoidable byproduct of international trade, and I thought these losses were outweighed by the benefits of trade. But upon further study, I have come to the conclusion that these offset agreements are resulting in the needless loss of American jobs with little or no compensating benefits. Let me explain why.

What impact do these agreements have on our country, on our businesses, and on our workers? The answer is, by and large, a highly negative one. This is not just the opinion of this Senator. It is the well-considered conclusion of nonpartisan, highly informed sources at the General Accounting Office and the Department of Commerce under this administration, I might add. It is also the opinion of business leaders, many of whom think offset agreements are little more than a form of coercion. Business leaders in my own State have told me they see offsets as no better than a necessary evil, a tax on their ability to export their goods and services.

The Commerce Department recently reported that in the year 2000—I hope my colleagues will listen to this—the Commerce Department reported in the year 2000, out of \$5.6 billion exported by the U.S. aerospace and defense industries, \$5.1 billion was offset by these arrangements. In other words, offset arrangements imposed on contracts with American firms amounted to nearly 90 percent of their export value.

In the year 2002, 2 years later, and 2003, this year, the total value of offsets is projected to be close to 100 percent by the Department of Commerce on the value of these contracts, virtually eliminating any gains from U.S. exports of these goods.

Moreover, the Commerce Department says offsets are displacing between 9,000 and 10,000 American workers annually, and that is a conservative estimate, I might add. With these kinds of figures, it is difficult to see how the United States could benefit at all from these offset contracts.

Let me repeat the numbers. According to the Department of Commerce, of the \$5.6 billion exported by the U.S. aerospace and defense industries, \$5.1 billion was offset by arrangements to these countries. Lately, in 2002 and 2003, the Department of Commerce estimates that close to 100 percent of the value of these contracts will be eliminated, the gains will be eliminated from the export of these goods, and losing almost 10,000 jobs a year is something that ought to concern each and every Member.

What makes this issue even more distressing is that as a result of these arrangements, we are not only losing these jobs unnecessarily, in my view, given the long outdated necessity for offset agreements with the European Community, but we are losing our Nation's military industrial capacity, and that ought to be a serious matter to all of us here. We need to be vigilant in maintaining an industrial base when we can in these critical industries.

Essentially, U.S. contractors are helping other nations build up their strategic industries at the expense of the United States's defense manufacturing base, and the U.S. Government is doing nothing, unfortunately, to stop this from happening. Our prime contractors admit this is an unfortunate trend and insist they are being forced to follow these arrangements to stay competitive in their foreign contract bids.

As I see it, these offsets amount to unfair trade practices, plain and simple. While U.S. prime contractors may be selling their defense system abroad, they are being coerced—against their wishes—into laying off U.S. workers and domestic suppliers in favor of foreign workers and suppliers. In turn, as the U.S. Defense Department decides to buy these same weapons systems, we are now even more frequently turning to these newly established foreign suppliers.

In several recent reports, the General Accounting Office and the Commerce Department have repeatedly tried to alert Congress to the disastrous effects these arrangements are having on America's economic and defense security, but their warnings have gone unheeded. In fact, the two major governmental bodies established by the Defense Procurement Agency to monitor and coordinate U.S. policy on foreign offsets have been effectively dissolved. The most important of these bodies is the interagency team on foreign offsets whose job it was—is or was—to engage with foreign countries in an effort to mitigate the effects of these offsets.

My colleagues should be alarmed to know that this interagency team, headed by the Department of Defense, has reported no activity since the year 2000. In fact, this team has been stripped of resources and staff. They don't exist.

Certainly, we all understand that the Defense Department has been pre-

occupied with other priorities—I understand that—over the last couple of years; namely, the effort to wage and win wars in Afghanistan and Iraq. No one can seriously claim the Department of Defense should have any higher priorities than those. That is not my point. That is why I think this amendment is critically important to shift to the Department of Commerce the principal responsibility of monitoring and mitigating these offset arrangements.

It is an economic issue fundamentally, and the fact the Defense Department has not financed or staffed this interagency team says to me we ought to shift that responsibility, considering the economic implications of not trying to reduce these archaic and outdated offset arrangements with the European nations and others.

For this reason, my amendment would transfer the authority over the interagency team—this is what the amendment does; it is not a radical amendment at all. The amendment would transfer the authority over the interagency team to the Commerce Secretary and would require the Secretary to negotiate with foreign countries toward the reduction and eventual elimination of all foreign offsets.

In addition, it would expand the Commerce Department's data collection system to include the effects of offset on America's second- and third-tier subcontractors. I believe these provisions would greatly enhance America's response to the growing specter of foreign offset arrangements and provide a clear picture of the total impact these arrangements are having on our economy. But I think we ought to do something more.

As I said before, offset arrangements have essentially allowed foreign governments to coerce U.S. contractors into laying off American workers and shifting their jobs to foreign employees. This is an unfair trade practice, in my view, and must be addressed as such. For this reason, this amendment further directs the U.S. Trade Representative to designate offsets that exceed the total value of the underlying contract as unjustifiable and burdensome on U.S. commerce, subjecting the country to U.S. sanctions accompanying such a designation.

Already various important policy and trade organizations and associations have expressed their support for the proposal I wish to offer to the Defense Production Act, including the International Association of Machinists and Auto Workers, the American Shipbuilding Association, the AFL-CIO, the Manufacturing Alliance, as well as the Aerospace Components Manufacturers. This is a unique combination of industries, business, and labor saying this World War II proposal is no longer justified.

Let me explain how it works. These offset agreements they insist on—Holland is the biggest offender, by the way. They say to a corporation in the United States: You want to sell your

products. Fine. But you have to provide a certain amount of workers here. So instead of looking around for the best subcontractor to provide, say, ball bearings by a firm in Ohio or Connecticut, they then have to hire the firm in Holland or some other European country. This was designed, as I say, to help Europe at the end of World War II. It made a lot of sense. But 70 years later, the idea that I have to say to a manufacturer in the United States you cannot get this bid because I have to do it to win the contract in Holland—if it was 5 percent or 10 percent, I might think that is unfair. But they are getting 300 percent in Holland—300 percent.

According to the Department of Commerce, the average is now between 90 and 100 percent in every European country. If I thought this bill was going to be authorized for 3 months, I would wait and try to build support. This bill is a 5-year authorization bill. Almost 10,000 jobs a year are going to be lost, not to mention small manufacturing firms that go out of business.

Then when we need those ball bearings, to use that example, we no longer have a firm in Ohio or Connecticut, and I have to deal with a firm in Holland or Sweden or some other place. It is dangerous to lose that industrial base in critical technologies.

This provision of offset contracts has no relevancy in today's world, particularly with the European community. It did maybe 50, 60, or 70 years ago, but not today. I am being told I cannot offer the amendment because I am dealing with a proposal on trade, but if I do not do it here, where do I do it? I have to wait until some trade bill comes along?

Normally, a Senator cannot offer amendments on trade bills. So when do I do it and where do I do it, if I want to make a point? Maybe the proposal will get defeated, but at least I would like to raise the awareness of my colleagues. If there are provisions that do not make sense, let somebody bring up a better idea, but I think it is wrong to continue a situation where 10,000 American jobs get lost because we are sitting around with an archaic idea that has no value and no relevancy.

The manufacturers will tell us that and labor tells us that. They do not like doing it. It is like the Foreign Corrupt Practices Act where we were told over and over we have no choice, but our firms in the United States do not like having to do this. They are being forced to do it in order to win these contracts.

We need to have some ability to negotiate the elimination of these deals, and when they cannot get rid of them, at least to consider it as an unfair trade practice so we can try to work it out so we do not have to rely on them any longer. That is really what the amendment would do.

Again, this whole Defense Production Act goes out of existence tonight, I am told. As I said earlier, I wanted to offer

this amendment in the committee, but I was told not to do it there, to wait until we go to the floor. Now I am on the floor and I am being told do not do it here. So I am sort of stuck in a way. I do not want to tie up a bill. I think defense production is important, but to have to wait 5 more years to come back with this idea is something I do not want to do, either. So I am using this time to encourage people who may have a better idea on how we can resolve this to make some suggestions so we can avoid holding up this legislation.

I do not need to remind my colleagues, I would just say at the end of all of this, that since 2001 we have lost 2.7 million manufacturing jobs in the United States. In Connecticut, we have lost more than 14 out of every 100 manufacturing jobs in the past 3 years. I have 5,400 small manufacturers in my State of over 240,000 people. A lot of them are what we call mom and pop, with 5, 6, 8, 10 people. Some of them are second and third generation.

I see my colleague from New Hampshire, as well as my colleague from Ohio. They have similar situations with small firms in their own States. Many of them provide critical technologies to our major defense contractors. If I thought the offset agreements had some great relevancy today, I would be the first to say we have to live with this; it is an unfortunate reality. But taking an idea we used at the end of World War II to help our allies get on their feet and to still perpetuate it in the year 2003 I think is wrong.

We better say something about it soon and try to do something about it before we just continue the way we are going and seeing a further loss of jobs and a loss of a manufacturing base in critical technologies which I think we will regret deeply in the years to come.

When this bill comes up, if it does come up, I would like to offer the amendment or have someone work out something so we might address this issue in some way that would not delay the enactment of the Defense Production Act but would give me some sense of hope that we could resolve this kind of problem.

I yield the floor.

BIRTHDAY WISHES TO GEORGE GOLSON

Mr. REID. Mr. President, I rise today to express my congratulations and best wishes to George Golson on the occasion of his 90th birthday. A devoted husband, a father of four children, an industrious businessman, an accomplished jurist, and a veteran of World War II, George Golson has led a distinguished life.

Born on October 24, 1913, George received his undergraduate education at the University of Columbia, NY, and his legal education at St. John's University. After practicing law for several years in New York, he served his

country proudly for 4 years during World War II in the Judge Adjutant General office in Liverpool, England.

Upon his return from military service, George Golson built a new home in Columbia, SC, and launched a new career in business. He returned to legal practice in 1958 as a member of the South Carolina Bar, and in 1973 was admitted to serve as Attorney of Law in the Supreme Court of the United States.

In 1980, George Golson established an office in Las Vegas to provide consulting services on legal matters in the field of real estate planning. He became a respected and beloved member of the southern Nevada community, and his work contributed to the dramatic growth and development of the State.

Throughout his long and productive life, George has made the most of his free time. He has challenged himself both intellectually and athletically by writing short stories, composing ballads, music, and lyrics, fishing, and playing racquetball.

Please join me in wishing George Golson the happiest of birthdays.

VOTE EXPLANATION

Mr. REED. Mr. President, I was unable to participate in last evening's vote on the nomination of Carlos Bea to be a U.S. Circuit Judge for the Ninth Circuit due to my participation in a memorial service for Rhode Island National Guardsmen killed while serving in Iraq.

LOCAL LAW ENFORCEMENT ACT OF 2003

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

I would like to describe a terrible crime that occurred in Houston, TX. On May 25, 2003, a Houston high school student was attacked by a teacher's aide in class because he is gay. The teacher's aide, also an assistant coach at the school, allegedly taunted the student with comments about his sexual orientation over the course of the school year. The incident was in full view of the class and was later corroborated by seven or eight other students.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

TRIBUTE TO THE HONORABLE ERNEST F. HOLLINGS

Mr. INOUE. Mr. President, it has come to my attention that Mr. Mark

Shields, whose syndicated column appears in more than 100 newspapers, including *The Washington Post* and the *St. Petersburg Times*, paid tribute in a recent column to our dear friend and colleague, the Honorable ERNEST F. HOLLINGS.

That column was most insightful, as it examined the character of Senator FRITZ HOLLINGS, who, unfortunately, has announced that he will not be seeking reelection to the U.S. Senate after nearly four decades of service in this Chamber.

I hope that throughout the history of our Nation there will always be a FRITZ HOLLINGS. As Mr. Shields noted in his column, FRITZ HOLLINGS "was a leader of uncommon courage and uncommon candor." Indeed, FRITZ HOLLINGS' leadership, courage, and candor will be sorely missed.

I ask unanimous consent that Mr. Shields' column, as it appeared on September 5, 2003, in *The State*, one of the newspapers in Senator HOLLINGS' home State of South Carolina, be printed in the RECORD.

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

A CANDIDATE WITH THAT RAREST OF ATTRIBUTES: CANDOR
(By Mark Shields)

On Oct. 6, 1983, in a televised debate among Democratic presidential candidates, one candidate said the following about the 1,800 U.S. Marines whom the Reagan administration had then sent to warring Lebanon: "If they were sent there to fight, they were too few. If they were sent there to die, they are too many."

Less than three years later in Beirut, just before dawn on Oct. 23, a terrorist driving a truck loaded with thousands of pounds of explosives plowed into the Marine barracks and killed 241 Americans.

That same presidential candidate went on Nov. 4, 1983, to Dartmouth College, a prestigious Ivy League school with an advantaged student body, and shocked the undergraduates: "I want to draft everyone in this room for the good of the country."

He was not advocating the "old Vietnam-style draft, where if you had enough money, you were either in college or in Canada." His campus audience gasped at the man's discomforting bluntness: "Conscience tells us that we need a cross-section of America in our armed forces. Defense is everybody's business . . . everybody's responsibility. A professional army is un-American. It is anathema to a democratic republic—a glaring civil wrong."

You like candor in your political leaders? This Democrat truly brimmed with the stuff.

That July, to a Washington gathering of the National Council of Senior Citizens—a group with political clout in its membership and Social Security and Medicare benefits on its agenda—he refused to coddle.

Instead, in the face of runaway federal budget deficits, he reminded the seniors, not of the obligations owed to them, but of the seniors' own obligation "to your children and grandchildren." He, alone, would say, "If I'm elected, I will freeze your cost-of-living adjustments for a year."

To a Capitol Hill meeting of defense contractors, pleased and prosperous with President Reagan's doubling of the Pentagon budget, the candidate, himself a combat veteran of World War II, had been frank: "If I'm

elected president, I will freeze the defense budget at 3 percent real growth and do away with the MX (missile) and the B-1."

Exempted from his proposed spending freeze? Food stamps and assistance to the disabled.

We in the press corps are forever lamenting the lack of candor in our political debates and the lack of courage in our presidential candidates, who are unwilling to ask us to sacrifice even the slightest personal comfort for the national well-being.

But when we do encounter the brand of straightforwardness that this 1984 Democratic candidate practiced, we do not applaud or praise it. Doubts are predictably recorded about "the discipline," the "presidential temperament," even the rashness of the fellow.

That's mostly the press treatment Sen. Ernest "Fritz" Hollings, D-S.C., received when he ran for president and publicly said all of the above and again, earlier this month, when he announced that he would retire after 38 years in the Senate.

True, Hollings gave us a lot to work with. While President Bush was furiously trying to publicly distance himself from the disgraced chief of Enron, Hollings quipped, "I did not have political relations with that man, Ken Lay."

That was a take-off on a discredited disclaimer by President Clinton—of whose then-improving poll ratings, Hollings had quipped, "If they reach 60 percent, then he can start dating again."

When his own presidential campaign failed, Hollings reported that "Thomas Wolfe was wrong—'You can go home again.' I know. That's what the people of New Hampshire told me to do."

But let it be recorded that in 1963, when the states of Alabama and Mississippi, governed respectively by George Wallace and Ross Barnett, were battlefields of bloodshed and bayonets in the struggle for civil rights, a young South Carolina governor delivered a much different message to his state and its Legislature: "(T)his General Assembly must make clear South Carolina's choice, a government of laws rather than a government of men. . . . We of today must realize the lesson of 100 years ago, and move on for the good of South Carolina and our United States. This should be done with dignity. It must be done with law and order."

Fritz Hollings was no plaster saint. His tongue was sometimes too sharp. His temper was sometimes too short. But his departure will leave a lonesome place against the sky. He was a leader of uncommon courage and uncommon candor.

HONORING OUR ARMED FORCES

Mrs. LINCOLN. Mr. President, I have risen on numerous occasions in the past 6 months to pay tribute to the men and women who are fighting in Iraq and elsewhere in the war on international terror. Today I rise once again to pay tribute and to honor a young man who was recently killed in action in Iraq—Master Sergeant Kevin Morehead, a native of Little Rock, AR, and a soldier in the U.S. Army 5th Special Forces Group. MSG Morehead was killed September 12 in the early morning raid in Ar Ramadi, an Iraqi city about 70 miles west of Baghdad.

Keven Morehead graduated from Central High School in Little Rock in 1987. After attending the University of Arkansas, Kevin opted for a military career, enlisting in the U.S. Army in 1989.

In 1994, he joined the elite Special Forces. His service over his 14-year career in the Army was exemplary, earning him a number of commendations, including the Bronze Star, the Silver Star, and the Purple Heart. In the last 2 years, he served with distinction in the Middle Eastern theater, first in Afghanistan, where he served as an adviser to the Northern Alliance in the fight against the Taliban extremists. In Afghanistan from October 2001 to February 2002, MSG Morehead called in airstrikes on Taliban positions, and his actions reportedly saved the lives of hundreds of men. MSG Morehead was sent to Iraq in January of this year, where he served with further distinction. Although his unit had already returned from service in Iraq, MSG Morehead had stayed behind to help with orientation for his unit's replacements.

Keven was buried on September 21 in Bald Knob, AR, in a grave on a hilltop next to that of his grandfather. Our condolences and our prayers go out to Kevin's wife Theresa; to his stepdaughters, Kirsten Inman and Kaylyn Council, to his sister, Kristen Wright; to his grandmother, Zelda Guthrie; and to his parents, James and Jeanette Morehead, of Benton, AR.

One attendee at his funeral was quoted in our State's newspaper, the Arkansas Democrat-Gazette, as saying that Master Sergeant Kevin Morehead "did not die in vain. Hopefully, by his actions the world will be a better place for all mankind." The mission continues in Iraq, and we remain confident that, as coalition troops move to secure and stabilize the country, Iraq will emerge as a democracy in the Middle East, and that Kevin Morehead's courage and sacrifice will prove to have been given in a worthy cause.

RAPE KITS AND DNA EVIDENCE BACKLOG ELIMINATION ACT OF 2003

Mr. DEWINE. Mr. President, I rise today to speak about the Advancing Justice Through DNA Technology Act of 2003. This bill contains several important provisions. I am especially pleased with title I of the bill—the Rape Kits and DNA Evidence Backlog Elimination Act, which mirrors the bill of the same name that I introduced earlier this year. The purpose of this title and our original bill is to extend more Federal funding to States and localities to fight crime with DNA technology, expand our national database of DNA profiles from criminals, and train sexual assault examiners.

While the overall violent crime rate has decreased in recent years, the occurrence of rape has only increased. Tragically, somewhere in America, a woman is sexually assaulted every 2 minutes. In other words, by the time I conclude my remarks, at least five women will have been assaulted. It has been estimated, as well, that 1 in 6 women and 1 in 33 men in the United States have been the victim of a com-

pleted or attempted rape. These statistics are truly staggering, especially considering that rape is a chronically underreported crime. Experts contend that rape could be much more prevalent than even these statistics reflect.

The majority of sexual assault victims who report their crimes do so in a hospital emergency room, where they frequently wait hours for treatment—in many cases, to see doctors or nurses who have not received specialized training in dealing with assault victims and who lack the proper forensic tools for evidence collection. As you can imagine, the collection of forensic evidence can be a very invasive process for a rape victim. But in many cases, this is where the investigation stops. In cities across the country, hundreds of thousands of rape kits are sitting untested in police department evidence rooms. While these kits contain vital DNA evidence that could lead to the arrest of rapists, many rape kits have gone untested for more than a decade due to a lack of funding.

In my own home State of Ohio, officials estimated in May 2002 that at least 3,000 kits with rape evidence—and maybe even more—remained unanalyzed, despite recent strides in science that allow DNA evidence from rapes and other violent crimes to be compared against DNA profiles in the Combined DNA Index System, CODIS, our national DNA database. Laboratory researchers at the Ohio Bureau of Criminal Identification and Investigation report that they have a high success rate in matching unknown DNA collected from crime scenes to either the DNA of offenders on file or to other crime scenes. That would mean that if all 3,000 unexamined Ohio rape kits contained extractable DNA, several kits very likely could yield evidence leading to the identity of rapists.

We now have both the technology to analyze DNA evidence and a growing database of DNA profiles with which to compare this evidence. This system works, and it catches criminals. Let me share an example of how evidence from rape kits has led to the arrest of a rapist in Ohio. Last year, a Hamilton, Ohio man was convicted and sentenced to 25 years in prison for an April 1998 attack on a woman in a grocery store parking lot. Although a DNA sample from this rape was sent to the State crime lab 3 days after the attack, it took until November 2001—nearly 3½ years later—for scientists to analyze the sample and add it to the State's DNA database. Once this sample was added, a positive match was made and this rapist was prosecuted and put behind bars. Unfortunately, this victim had to wait 3 years for justice, while her rapist remained on the street. While this is an excellent example of how DNA has been used successfully to catch rapists, it also shows the critical need to promptly analyze the kits we have on hand. The longer this evidence sits around unanalyzed, the longer sex offenders will remain free—and free to potentially harm more victims.

The Rape Kits and DNA Evidence Backlog Elimination Act would help to address the issues I have just outlined, particularly those involving the collection and processing of DNA evidence. We owe it to rape victims, as well as to our society as a whole, to do all we can to apprehend and prosecute sex offenders. To this end, title I would do several important things. Specifically, and perhaps most importantly, this bill would extend the authorization for the DNA Analysis Backlog Elimination Act of 2000. This law, of which I was one of the chief Senate sponsors, aims to reduce the backlog of unanalyzed DNA samples in forensic laboratories across the United States. Unfortunately, the authorization for the grant programs established under the act will expire soon, but many States still have a long way to go to clear their DNA evidence backlogs. The Rape Kits and DNA Evidence Backlog Elimination Act would extend that authorization, while also increasing the funds authorized for grants under the Act. This would help States to further reduce their DNA evidence backlogs, processing crucial evidence that could bring criminals to justice.

Furthermore, title I would expand CODIS, our national DNA database. The expansion of this database is important, since the larger the database, the more likely it is that State crime laboratories will be able to match DNA evidence to offenders. Under the Rape Kits and DNA Evidence Backlog Elimination Act, the FBI could accept for inclusion in CODIS any DNA sample submitted by the States for inclusion in the database, including DNA samples from all felons convicted of Federal crimes. Given the high rate of recidivism among sexual offenders, this last addition may prove very useful to law enforcement as they utilize CODIS. The U.S. Department of Justice has expressed support for expanding the DNA database in this manner.

In addition to providing funds to help States and localities process evidence, we also must improve the way that DNA evidence is collected and used. To this end, title II of the Advancing Justice through DNA Technology Act also contains many components of the bill I introduced earlier this year involving important training programs. This title would provide Federal resources to support a new training program for Sexual Assault Forensic Examiners, known as SAFEs. This program is modeled on a separate bill that Senator SCHUMER and I introduced during the 107th Congress. As I discussed before, many rape victims first report their crimes in a hospital emergency room, where they are treated by inexperienced staff, many of whom have no training in the proper use of a rape evidence kit. SAFEs, by contrast, are well-trained in the collection of forensic evidence and are able to give competent and sensitive treatment to rape victims at a time when they are most vulnerable—immediately after their

attack. Furthermore, the intervention of SAFEs in a sex crime case bolsters the odds of prosecution and conviction of offenders, as their expertise generally renders them better witnesses than most emergency room personnel during trials. While these programs have proven to be effective, only a few hundred SAFE programs currently exist in the United States, treating a minute number of sexual assault victims. These nurse examiners provide an important service, both to the victim and to justice system, and I strongly advocate funding more training programs for them.

Finally, title II would make two changes in the criminal code to better protect victims of crimes in which DNA evidence is recovered. It would extend or "toll" the statute of limitations under Federal law for prosecuting many crimes in which DNA evidence is recovered, but the identity of the perpetrator is unknown. Also, this title would amend the Violence Against Women Act to include legal assistance for victims of dating violence.

In closing, I strongly encourage my colleagues to support the Advancing Justice through DNA Technology Act of 2003. This bill is a good one, and one deserving of the Senate's support. It can do a great deal to help rape victims, as well as to prosecute sexual offenders.

FREEDOM'S ANSWER

Mr. ALEXANDER. Mr. President, just recently the Senate approved the Labor, HHS Appropriations bill for fiscal year 2004. During the same time period we paused to remember the tragic events of September 11. So it is a good moment to bring to the attention of my Senate colleagues and of the Department of Education the nonpartisan, nonprofit Freedom's Answer project which is a direct result of the 9/11 experience—and which seeks to engage high school students across America in the elections process even before they are old enough to vote.

At a time when Senator KENNEDY and I, along with many other Members of the Senate, are convinced that restoring civics education to schools should get a high priority, Freedom's Answer is one effort that is doing just that. It should have the highest priority for funding by the Department of Education within the discretionary funds of the Fund for Innovation in Education, the Character Education Program, the Civics Education program, or the Fund for Improvement in Post-Secondary Education.

Freedom's Answer is a totally nonpartisan program, begun by long-time political professionals Mike McCurry and Doug Bailey. Its National Advisory Council is co-chaired by the Republican Leader in the Senate, BILL FRIST, and the Democratic Leader in the House, NANCY PELOSI. The chairs of the Republican and Democratic National Committees both sit on its National Advisory Council.

Started after the 9/11 tragedy, Freedom's Answer urged high school students in over 2,500 high schools throughout the country to seek 10 voting pledges each in the 2002 election, not for any particular party or candidate, but rather to honor the servicemen and women serving our country and risking their lives daily for our freedom.

These students didn't just help set a mid-term voter turnout record—nationally and in 27 different states—they learned first hand the power of political involvement. Even before they could vote, they learned the power not just of each and every vote, but also of collective involvement in the political process. It may well have been as good a civics lesson as they could ever receive—one certain to make them voters in the years ahead.

Our young people owe it to us to be part of America's democracy. And we owe it to our young people, regardless of party, philosophy, religion, income, race or State to enable them both to know how the system works and how to be part of it. Freedom's Answer is a powerful way we can meet that commitment, and I join my colleagues in encouraging the Department of Education to consider using discretionary funds in the 2004 budget we will pass to help make this wonderful civics lesson come alive in every high school in the land.

Mr. KENNEDY. I commend the leadership of my colleague from Tennessee. He's a strong advocate for better education in both history and civics. We need to do much more to broaden students' understanding of American history and encourage them to participate in the democratic process.

Freedom's Answer is an excellent model. It is a nonpartisan program founded by Mike McCurry and Doug Bailey to involve high school students in elections. The mission of Freedom's Answer is "to turn today's students into tomorrow's voters."

The program was launched after the tragic events of 9/11. It was organized in over 2,500 high schools across the Nation, asking each student to line up 10 pledges from others to vote in the 2002 election—not for a particular candidate or party, but in tribute to the servicemen and women serving abroad whose commitment to our country is safeguarding our national security.

Their participation was a worthwhile factor in enhancing voter turnout in the 2002 elections. These young students learned the power of each individual vote, as well as the importance of greater involvement in the political process. It was an extraordinary civics lesson for them and for their families and neighbors, too, and it will encourage them to vote as soon as they become eligible to do so.

I'm confident that this program will generate even greater election participation in coming years. Their participation will enrich our country and help to inspire the next generation of leaders.

Freedom's Answer is the kind of innovative and practical idea that will strengthen our democratic process and the Nation as a whole, and it deserves our strong support. I commend Senator ALEXANDER for his impressive leadership on this impressive initiative.

NOMINATION OF JOSEPH KELLIHER TO THE FEDERAL ENERGY REGULATORY COMMISSION

Mr. WYDEN. Mr. President, earlier this year, I announced my intention to object to any unanimous consent request for the Senate to take up the nomination of Joseph Kelliher to the Federal Energy Regulatory Commission. I did this because at the time, Mr. Kelliher had not convinced me that he fully understood the impact of west coast market manipulation on northwest ratepayers or the problems that the Commission's standard market design proposal could create for the northwest electric power grid.

Today I received a letter from Mr. Kelliher expressing his views on these subjects. It is clear from his letter that Mr. Kelliher has done his homework about energy issues critical to the west in general and the northwest in particular. From opposing a final standard market design rule to supporting voluntary regional transmission organizations and making market manipulation illegal, Mr. Kelliher's letter reflects he now has a better understanding and appreciation of the northwest energy markets and transmission systems and the particular challenges northwest ratepayers face.

Based on his letter, I will no longer object to any unanimous consent request for the Senate to take up Mr. Kelliher's nomination.

I ask unanimous consent that a copy of Mr. Kelliher's letter to me be printed in the CONGRESSIONAL RECORD.

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

SEPTEMBER 30, 2003.

Hon. RON WYDEN,
U.S. Senate,
Washington, DC.

DEAR SENATOR WYDEN: I am writing to clarify my views on two issues of importance to you: Standard Market Design and market manipulation.

You have forcefully stated your opposition to the Commission's Standard Market Design. In particular, you have expressed concern that market rules developed in other regions of the country may not work in the Pacific Northwest, and emphasized the potential economic impact of the proposal on your region.

I recognize electricity markets are not national, but regional. There are significant differences among the regions—the transmission grids are different, the generation mixes are different, and the market structures are different. There are also significant legal differences—the role of nonjurisdictional utilities such as the Bonneville Power Administration and municipal utilities is more significant in the Pacific Northwest than other regions. It is essential that market rules reflect these important regional differences.

For these reasons, I do not believe imposition of uniform national market rules on your region is appropriate. I support regional flexibility, and if confirmed by the Senate I would give great deference to the views of your region. Further, I am not convinced there is a need for a final rule on Standard Market Design. A better means of achieving regional flexibility may be through regional proceedings.

Because of the unique regional characteristics in the Pacific Northwest, I believe any effort to form a regional transmission organization should be voluntary. In my view, the Commission could not successfully mandate the establishment of a regional transmission organization for the Pacific Northwest, nor should it attempt to do so.

Markets that are subject to manipulation cannot operate properly. For that reason, I believe there is an urgent need to proscribe manipulation of electricity markets. There is no express prohibition of market manipulation in the Federal Power Act. That stands in contrast with the regulatory laws governing other industries, such as securities and commodities. Market manipulation should be expressly prohibited.

In addition, penalties must be sufficient to discourage market manipulation. Well before the Western electricity crisis I advocated tougher criminal and civil penalties. In my view, the penalties set by Congress in the Federal Power Act are no longer adequate to discourage criminal behavior. They need to be increased.

The Commission has some ability to address market manipulation absent Congressional action. In my opinion, the Commission has legal authority to proscribe certain market manipulation practices by jurisdictional utilities. The Commission also has discretion to revoke authorization of a public utility to sell power at market-based rates as a remedy for market manipulation. I would support exercise of this authority.

In the past, you discussed the relationship between spot markets and long-term markets. As you know, in its "Final Report on Price Manipulation in Western Markets" the Commission staff concluded spot prices influenced forward prices. As a general matter, I acknowledge there is a relationship between spot markets and forward markets.

There is no question the Commission has legal authority to reform contracts. In the right circumstances, contract reform is appropriate. If it can be demonstrated that any Pacific Northwest contracts impose an excessive burden on consumers or are unduly discriminatory, or that fraud or duress were present at the time of contract formation, then I believe contract reform would be appropriate. You have expressed your strongly-held view that the just and reasonable standard should govern in contract reform cases. I respect your view, and note there is legal precedent supporting your position. I have not prejudged which legal standard should govern in contract reform cases, and Federal courts have applied both the public interest standard and the just and reasonable standard. As you know, the Commission applied the public interest standard in recent contract reform cases. I have not prejudged whether these cases were correctly decided.

I appreciate the opportunity to share my views with you on these matters.

Sincerely,

JOSEPH T. KELLIHER.

ON THE PASSING OF JOJI KONOSHIMA, PRESIDENT, U.S.-ASIA INSTITUTE

Mr. INOUE. Mr. President, on September 17, 2003, America lost one of its

true Ambassadors of Friendship, Mr. Joji Konoshima, President and co-founder of the U.S.-Asia Institute.

Mr. Konoshima was well known at home and abroad for his efforts to promote understanding and dialog between the United States and East Asian nations. His career as an educator, labor organizer, political advisor, and diplomatic mentor spanned more than 40 years.

Born in Tokyo, Japan, Mr. Konoshima immigrated with his family to the United States at the age of six years and settled in California. He was a student at the University of California, Berkeley, when he and his family were evacuated during World War II to the Heart Mountain Relocation Center in Wyoming. After the war, he received a Bachelor of arts degree in Political Science from the University of California, Berkeley, in 1953, and a Master of Arts degree in Education from New York University in 1960. Mr. Konoshima taught social studies and Japanese language in New York City, and was an adjunct assistant professor at New York University for more than a decade.

In 1973, Mr. Konoshima organized the Manhattan teachers' union in backing the successful candidacy of Mayor Abraham Beame. He then served as the labor coordinator for New York gubernatorial candidate Hugh Carey in 1974, and was the union liaison for Governor Carey after his election. In 1974, Mr. Konoshima traveled to Hawaii to organize the teachers' union. In 1976, he became the New York labor coordinator for the Presidential campaign of Jimmy Carter, and went on to join the national Carter-Mondale campaign as labor liaison. After the election, Mr. Konoshima became the National Director of the Asian Pacific Affairs Unit of the Democratic National Committee. He accompanied Vice President Walter Mondale to Japan, and traveled to Japan and Korea with President Carter. He played a key role in the historic visit of Chinese Premier Deng Xiaoping to the United States in 1978, traveling with him to New York, Houston and San Francisco.

In 1979, Mr. Konoshima co-founded, with his colleague Esther Kee, the U.S.-Asia Institute, an organization dedicated to fostering better relations between the U.S. and the countries and people of East Asia. During his tenure as President of the U.S.-Asia Institute, Mr. Konoshima personally escorted Members of Congress on visits to the People's Republic of China, as well as delegations of Congressional staff. Mr. Konoshima led more than 85 Congressional staff and trade delegations to China, Japan, Indonesia, the Philippines, Korea, Malaysia, Singapore, Thailand and Brunei. He also hosted seven international conferences in cooperation with the U.S. Department of State, and a multitude of briefings on issues of interest and concern to the U.S. and East Asian nations. Mr. Konoshima was an advisor to political,

business and diplomatic leaders on both sides of the Pacific.

Joji Konoshima will be missed by all whose lives he touched, but his extraordinary efforts in support of U.S.-Asia relations shall never be forgotten.

ON THE COMMUNITY ORIENTED POLICING SERVICES PROGRAM

Mr. FEINGOLD. Mr. President, I want to speak today on the Community Oriented Policing Services, or COPS, program. In my twenty years as a public servant, I have seen only a very small number of federally funded programs that have had such a measurable and immediate effect on local communities as the COPS program.

The Community Oriented Policing Services Program, commonly known as COPS, was established in 1994, due in large part to the efforts of my distinguished colleague from Delaware, Senator BIDEN, and the support of then-President Clinton. Since its inception, the program has greatly enhanced community oriented policing across the Nation, resulting in real, tangible crime reduction in cities such as Green Bay, Wisconsin's third-largest city, as well as in small, rural areas across Wisconsin and the country. This program has been a shining example of an effective partnership between local and Federal governments. It provides Federal assistance to meet local objectives without imposing mandates or interfering with local prerogatives. It also provides Federal dollars directly to police departments and local communities.

To date, the COPS program has facilitated the hiring and training of over 118,000 police officers who help keep our communities safe. In the State of Wisconsin alone, COPS has funded over 1,330 new officers by contributing over \$100 million to communities. COPS funds have also provided over \$20 million worth of crime-fighting technologies to Wisconsin law enforcement agencies. As Green Bay Police Chief Craig Van Schyndle told me last week, these funds have had a very positive and measurable impact on policing in Green Bay. Crime rates have gone down, school security has been enhanced, and more officers have gotten out from behind their desks and into the communities they protect.

But the Chief also expressed his fear that proposed cuts to the COPS program will result in devastating consequences for the Green Bay Police Department. The proposed drastic funding cuts will set many police departments back decades. Already outdated equipment will become the norm, and what's worse, our communities will see a reduction in officers patrolling our neighborhoods. The Green Bay Police Department and so many other local law enforcement agencies in Wisconsin and across the country are already crunched for resources due to the stressed state budgets in many of our home States. Due to these fiscal con-

straints, COPS funds that we have praised as beneficial have become absolutely crucial. If we allow the proposed cuts to the COPS program, many departments will have no choice but to cut wages and reduce personnel.

It is important to note in the post-September 11 world that when we lose our community-oriented officers, we lose first responders. This year, for the first time, COPS dollars are being used to hire community policing officers who will be engaged in homeland security efforts, and to pay for overtime costs associated with homeland security. They are also helping to provide inter-operable communications technology in communities to better help our first responders communicate during times of crisis. Many of us have heard from first responders in our home States about how important, and how lacking, this communications technology is on the front lines of the fight against terrorism.

The administration and Congress simply cannot tell the American people that we want them to feel secure and tell our local law enforcement officers how they are, while at the same time cutting funding for those officers. We must not short-change our police officers. As the tragic events of September 11th reminded our Nation, police officers play a vital role in protecting and securing our communities. In the past 2 years, the words "security" and "safety" have taken on new significance for Americans. The COPS program helps to give those words meaning. The officers who are hired and trained and funded by the COPS program are our neighbors, our first responders, our drug educators, and, in some cases, as in the COPS in Schools program, the mentors for our children. We must give them the support they need so that they can continue to keep us safe and secure.

No police department should have to choose between having up-to-date communications devices and having sufficient law enforcement officers in its community, or decide whether to continue its school crossing guard program or to fund its successful crime-reduction programs. And yet, that is exactly what is happening to local law enforcement agencies in Wisconsin and across the country as they watch funding levels for the COPS program drop.

I might add that unlike other important law enforcement grant programs, COPS delivers grant funding directly to chiefs and sheriffs. There are no overhead costs for States because the grant administration is facilitated directly by the Federal Government. Communities of all sizes are eligible to apply for COPS grants, and the payoffs are invaluable. Ensuring funding in the COPS program is an investment in our Nation's security, an investment in our children, and an investment in community safety.

As we consider appropriations for the many Federal programs that make a difference at home, I urge my col-

leagues to send a strong message of support to our local law enforcement officers: As we ask more of them, we must understand the fiscal pressure they face and help them bridge their funding gap so they can continue the level of excellence at which they operate. There is no question that community-oriented policing is integral to the protection and safety of all Americans.

Again, I want to applaud Senator BIDEN for his leadership on this issue. I urge my colleagues, especially those on the Appropriations Committee, to work to ensure that the COPS program is fully funded before we adjourn. Thank you, Mr. President.

I yield the floor.

ADDITIONAL STATEMENTS

CONGRATULATIONS TO DORIS HANSEN

• Mr. BURNS. Mr. President, I would like to voice my support for a woman who was recently named the American Trucking Association's National Driver of the Year, and resides in Lavina, MT.

Since Doris Hansen started driving semi trucks in 1967, she has logged more than 3 million miles. Beginning at the age of 19 as a driver for her father-in-law, Doris has preserved an accident-free driving record, with a personal commitment to safety for over 35 years. While Doris and her husband John sometimes drove as a sleeper team, she has logged most of her hours as a solo driver at a time when women were rare in the business. When Doris began her career, some companies did not offer separate shower facilities and break rooms, while others denied women access altogether.

Doris is currently leased to Quality Transportation, Inc. stationed in Baker, MT. Since signing with Quality in 1987, she has never lost a single cargo or filed a damage claim. She currently operates a conventional three-axle tractor and a 48-foot flatbed trailer, hauling general freight in "the lower 48." She has also logged the last 13 summers in-State pulling belly-dump trailers on road construction projects, winning numerous safety and industry awards, including Montana Motor Carriers 2002-03 Driver of the Year. Although her job keeps her on the road, she and John have raised two children. Danielle is now a nurse in Big Sandy, MT, and J.J., who shares Doris' love of the road, is a truck driver as well.

Doris has been named American Trucking Association's first woman, and first Montanan, National Driver of the Year for 2003. Doris will be honored at American Trucking Association's 2003 Safety and Loss Prevention Management Council's Fall Conference in Jacksonville, FL tomorrow, and again at the American Trucking Association Management Conference and Exhibition in San Antonio, TX on October 20. I applaud Doris for her continued

commitment to safe driving, and hope that she will keep up the good work.●

IN CELEBRATION OF PHILLIP C. SHOWELL ELEMENTARY SCHOOL

● Mr. CARPER. Mr. President, I rise today to celebrate the selection of Phillip C. Showell Elementary School as a No Child Left Behind-Blue Ribbon Schools Award recipient. This prestigious honor is awarded to schools that meet one of two criteria. The nominated school must have at least 40 percent of their student population from disadvantaged backgrounds and have each segment—including whites, blacks, Hispanics, low-income and special education students—show scholastic improvement, or the school must score in the top 10 percent on State assessment tests in reading, writing, math, social studies and the sciences. Phillip C. Showell Elementary School was successful in meeting both of these criteria. Not only did each segment show adequate yearly progress, but the scores of students from Phillip C. Showell's have shown steady improvement on State assessment tests over the past several years. This is a remarkable honor for Phillip C. Showell Elementary School, attesting to the many achievements and the commitment this school, as well as the First State, has for educating our youth.

Located in the small town of Selbyville, DE, Phillip C. Showell Elementary School is home to many low-income and disadvantaged students. Approximately 47 percent of Phillip C. Showell Elementary School students come from a disadvantaged socioeconomic background. Many students come to the school with English as a second language. To many teachers and faculty, these factors can be extremely frustrating. However, the dedicated staff at Phillip C. Showell Elementary School prides themselves on their commitment to successfully educating and impacting the lives of these underprivileged children.

Known as "The little school that's big on learning," Phillip C. Showell Elementary School provides an environment that allows its faculty to work closely with students. As one of the smallest elementary schools in the State, Phillip C. Showell Elementary is described as a close-knit family. The welcoming atmosphere makes students feel accepted and special.

As a title I school, Phillip C. Showell Elementary is able to receive funding and resources which allow them to provide for students. A teacher who specializes in writing and reading provides Early Success and Soar to Success programs for additional support to students. There are after school opportunities for identified students who can benefit from extra reading and math help. In addition, a reading specialist coordinates with other faculty members to identify kindergarten and new students who are in need of extended kindergarten. This extra half-day of

learning provides language, arts and reading skills that will be essential to these students throughout their academic career. These programs were created to identify and assist students in need of extra help. The committed faculty, staff, and administrators offer students the chance to fulfill their potential. These children are inspired not only to reach their potential, but to strive for excellence.

Delaware is a small State, but we are building a growing record of achievement in public school education. The students at Phillip C. Showell Elementary School set the standard for elementary school students across the country. They truly are an inspiration to other schools and communities throughout the Nation.●

TRIBUTE TO COMMANDER ELIZABETH McDONALD MOORING

● Mr. LAUTENBERG. Mr. President, I rise today to recognize a great American and a true military heroine who has honorably served our country for over 22 years in the U.S. Navy Nurse Corps: Commander Elizabeth McDonald Mooring. She was born in Rahway, NJ, and grew up in Bridgewater, NJ. CDR Mooring began her military career as a staff nurse at National Naval Medical Center, Bethesda, MD. She quickly rose through the ranks and served at naval bases throughout the world, including Naval Hospital Newport, RI; Naval Hospital Okinawa, Japan; Branch Medical Clinic, Sewells Point, Norfolk, VA; and varied assignments at the Naval Medical Center Portsmouth, VA. Following in her father's footsteps, Seaman Eugene Bernard McDonald, CDR Mooring and her sister, Patricia, joined the Navy Nurse Corps, while her brother Sean joined the Seabees in the Naval Reserve.

CDR Mooring adeptly served as the medical officer recruiter at the Commander Naval Reserve Force, Philadelphia, PA. For 2 years she consistently achieved her medical recruiting goal for the States of New Jersey and Pennsylvania. For 2 years CDR Mooring served in the Naval Reserve and drilled at Naval Air Station, Willow Grove, NJ. She was one of the first women to serve aboard the USS *John F. Kennedy*, CV-67, and provided medical support during the rededication of the Statue of Liberty. Because of her clinical excellence and professionalism she was assigned to the presidential support team for President Ronald Reagan.

It is only fitting that for her final assignment, she came home to New Jersey. CDR Mooring served as the Officer in Charge of the Branch Medical Clinic at Naval Air Engineering Station Lakehurst, NJ, and Assistant Officer in Charge at the Branch Medical Clinic, Naval Weapons Station Earle, Colts Neck, NJ. She was integral to the critical medical support mission of the Naval Weapons Station during Operation Enduring Freedom and Operation Iraqi Freedom. During Operation Iraqi

Freedom, 83 percent of all weapons used, were loaded from the Naval Weapons Station Earle, NJ.

In each assignment, CDR Mooring excelled and met every challenge, and was rewarded with greater responsibilities and opportunities. She is an experienced leader, administrator, clinician, educator, and mentor. Throughout her career she has been instrumental in providing navy medicine with the fine cadre of navy nurses, physicians, Medical Service Corps officers and hospital corpsmen serving today.

Above all, she is a stellar officer and leader who always put the welfare of her staff and patients first. CDR Mooring always went the extra mile to serve her country and her fellow man. Her performance reflects greatly on herself, the U.S. Navy, the Department of Defense, and the United States of America. I extend my deepest appreciation to Commander Elizabeth McDonald Mooring, on behalf of the United States, for her over 22 years of dedicated military service. Congratulations CDR Mooring and let me be one of the first to welcome you home to the State of New Jersey.●

TRIBUTE TO LIEUTENANT COLONEL TIMOTHY W. COY

● Mr. ALLARD. Mr. President, on the occasion of his retirement from the U.S. Air Force, I wish to recognize LTC Timothy W. Coy for his 27 years of dedicated service to our country. In his most recent assignment he served as the Chief, Congressional Inquiry Branch, Congressional Inquiry Division, Secretary of the Air Force Office of Legislative Liaison, where he served as liaison between the Air Force and Congress on their constituent issues.

Lieutenant Colonel Coy was born in 1958 at Bolling AFB, Washington, DC. He graduated from Tabb High School in Yorktown, VA, in 1976. He holds a masters degree in public administration from the University of Wyoming, a bachelor of arts degree from Saint Leo College, and a certificate in legislative studies from Georgetown University. He is also a graduate of Air Command and Staff College, the Armed Forces Staff College, Squadron Officers School, Noncommissioned Officer Leadership School, and the Air Force Legislative Fellowship program.

In August 1976, Lieutenant Colonel Coy enlisted in the Air Force and completed basic training at Lackland AFB, TX, in September 1976, and performed duties as an administrative specialist. During his 7-year enlisted tour, he attained the rank of technical sergeant, and was assigned to headquarters, Tactical Air Command, TAC, where he held positions in the TAC Directorate of Administration and the TAC Command Section. In 1981, he was selected as one of the first members of the 4450th Tactical Group, Nellis, AFB, NV, the unit responsible for the operation of the ten-top secret F-117A "Stealth Fighter."

In 1982, following a short stint as noncommissioned officer in charge, NCOIC, of the Tactical Fighter Weapons Center, TFWC Command Section, then-Staff Sergeant Coy was selected for assignment to the USAF "Thunderbirds" Aerial Demonstration Team, where he performed duties as NCOIC of Thunderbird administration. After attaining the rank of technical sergeant in 6 years, he received his commission through Officers Training School (OTS) in 1984.

Following OTS graduation, Lieutenant Colonel Coy completed Minuteman III training at Vandenberg AFB, CA, as a "Top Performer," and was assigned to the 320th Strategic Missile Squadron at F.E. Warren, AFB, WY. He performed duties as a standardization and evaluation missileer, and following his upgrade to crew commander, was selected to become the aide-de-camp for then BG Arlen D. Jameson, commander of the 4th Air Division. This job took him back to Vandenberg AFB as aide-de-camp and executive officer for Maj. General Jameson at the 1st Aerospace Division. In January 1990, he was selected as one of Strategic Air Command's top missileers for assignments to the TOP HAND Program. Lieutenant Colonel Coy served as launch director and test manager, and was involved in 20 Minuteman III and Peacekeeper test launches.

In June 1992, he was selected as part of the initial cadre of personnel in the newly established Headquarters Air Combat Command at Langley AFB, VA, where he served in the deputy chief of staff, Plans and Programs as chief of the ICBM Plans Section. When the ICBM mission moved to Colorado Springs, CO, at the Air Force Space Command in June 1993, Lieutenant Colonel Coy became the force applications mission area planner for the Directorate of Plans. In June 1966, he moved to the 21st Space Wing Plans Office where he became the chief of the Future Systems Branch. His office was responsible for SBIRS planning, the Clear Radar Upgrade, and conducted planning in support of National Missile Defense and other programs totaling over \$14 billion.

He was then selected for assignment to the Joint Staff J-3 Defense Space Operations Division, DSOD, in December 1997. Lieutenant Colonel Coy assumed his duties in the Theater Missile and Air Defense branch, which included the National Missile Defense program, and participated in development of a common operating picture for the warfighter. He was also a qualified space surveillance officer in the National Military Command Center.

In 1998, Lieutenant Colonel Coy was selected as one of nine Air Force legislative fellows, and served as my Air Force fellow in my Washington, DC office. He worked defense issues, specifically space issues. His insight and knowledge was invaluable as a new member of the Senate Armed Services Committee.

In November 1999, he returned to the Pentagon as the chief of legislative affairs for the United States Joint Forces Command, where he advocated JFCOM programs on Capitol Hill. In July 2001, Lieutenant Colonel Coy was given the additional responsibilities as the director of the Washington Liaison Office, and U.S. liaison officer to the Supreme Allied Commander, Atlantic. On November 1, 2002, he assumed his current position as the chief of the Congressional Inquiry Branch.

A master space and missile operator, Lieutenant Colonel Coy's decorations include the Defense Meritorious Service Medal, five Meritorious Service Medals, the Air Force Achievement Medal with two oak leaf clusters, the Joint Service Commendation Medal, and the Air Force Commendation Medal with four oak leaf clusters. Additionally, he was awarded the Colorado Meritorious Service Medal by the Adjutant General, Colorado National Guard.

Tim was married for 20 years to the late Barbara L. Suiter and has two children; Brian, a sophomore at James Madison University in Harrisonburg, VA, and Laura, a senior at Woodbridge Senior High School. He has proven himself to be a top officer, loving husband, and a caring father. I am very proud to call Tim "one of my own" and wish him the best as he moves on to his next journey.●

PAUL STACKE

● Mr. COLEMAN. Mr. President, I would like to take a moment to recognize Paul Stacke, a widely respected figure of Minnesota radio who is retiring today after 48 years in the business.

Paul began his broadcasting career in 1955. Since that time, he has worked at radio stations in cities throughout Minnesota, including Albany, Morris, Duluth, and St. Cloud, where he was a member of the award-winning news staff of AM 1240 WJON.

While he has had a few different responsibilities over the years, Paul's most notable contribution was at WJON as the station's political reporter. In this position, Paul brought the latest to his listeners by covering the senators, governors, and State and local leaders in Minnesota politics and asking them the tough questions people wanted answered.

Paul also brought national politics back home through interviews with political figures who serve the people here in Washington, from a speaker of the House to a President of the United States.

There are many people in the media who have the skills to take themselves to a successful career. Paul is qualified in this way, but he is also more. Besides being a professional, Paul is genuine.

Bringing this quality into an interview is what makes him a one-and-only. In doing so, he compels the people he is interviewing to show the same side of themselves.

In interviews with political leaders, the result is that his listeners got to hear the "real" person who represents them.

This is why Paul is a respected man in Minnesota, and why his contribution to Minnesota radio will be missed. The entire State of Minnesota—especially the St. Cloud area—was fortunate to have him on the air.

Unfortunately, our work here in the Senate keeps me from attending his retirement party this evening back in St. Cloud, MN. But if I were in attendance there tonight—among Paul, his wife Carol, and his family, friends, and colleagues—I would thank him for his inestimable contribution to keeping me and so many other Minnesotans informed.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on the Judiciary.

(The nomination received today is printed at the end of the Senate proceedings.)

MEASURES REFERRED—September 29, 2003

The following bill was reported from Committee and referred as follows:

S. 150. A bill to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act.

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-4412. A communication from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials Regulations: Penalty Guidelines and Other Procedural Regulations" (RIN2137-AD71) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4413. A communication from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Approval Program for Certain Persons Performing Visual Requalifications of DOT Specification Cylinders; Extension of Compliance Date" (RIN2137-AD86) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4414. A communication from the Attorney, Research and Special Programs Administration, Department of Transportation,

transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Matter Incorporated by Reference" (RIN2137-AD83) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4415. A communication from the Chief of Staff, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991" (CG Doc. No. 02-278) received on September 29, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4416. A communication from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Pipeline Safety: Further Regulatory Review Gas Pipeline Safety Standards" (RIN2137-AD01) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4417. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Improved Flammability Standards for Thermal/Acoustic Insulation Materials Used in Transport Category Airplanes; Doc. No. FAA-200-7909" (RIN2120-AG91) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4418. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A300 B2 and B4, B4-600, B4-600R, F4-600R; A130, 319, 320, 321, 330; and A340 Series Airplanes; Equipped with PPG Aerospace Windshields, Doc. No. 2002-N-50" (RIN2120-AA64) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4419. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model MD 11 and MD 11F Airplanes; Doc. No. 2002-NM-74" (RIN2120-AA64) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4420. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Air Traffic Rules in the Vicinity of Los Angeles International Airport; Doc. No. FAA-2002-14149" (RIN2120-AH92) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4421. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revised Requirement for Material Strength Properties and Design Values for Transport Airlines; Doc. No. FAA-2002-11345" (RIN2120-AH36) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4422. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Reports by Carriers on Incidents Involving Animals During Air Transport; Doc. No. FAA-2002-13378" (RIN2120-AH69) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4423. A communication from the Program Analyst, Federal Aviation Administration,

Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Disposition of Comments to Final Rules: Noise Certification Standards for Subsonic Jet and Subsonic Transport Category Large Airplanes; Transition to an All Stage 3 Fleet Operating in the 48 Contiguous United States and the District of Columbia" (RIN2120-AI01) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4424. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Robert E Rust Models Dehavilland DH C1 Chipmunk 21, 22, and 22A Airplanes; Doc. No. 2000-CE-64" (RIN2120-AA64) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4425. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airspace Actions Revision of Federal Airways V-13 and V-07; Harlingen, TX" (RIN2120-AA66) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4426. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (26) Amendment No. 3070" (RIN2120-AA65) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4427. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (43) Amendment No. 3069" (RIN2120-AA65) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4428. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (77) Amendment No. 3071" (RIN2120-AA65) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4429. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (12) Amendment No. 3072" (RIN2120-AA65) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4430. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (124) Amendment No. 3073" (RIN2120-AA65) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4431. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: General Dynamics (Corvair) Model P4Y-2 Airplanes, General Dynamics (Consolidated-Vultee) (Army) Model LB-30 Airplanes, and

General Dynamics (Consolidated) (Army) Model C-87A Airplanes" (RIN2120-AA64) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4432. 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 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4433. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Empresa Brasileira de Aeronautica S.A. (EMBRARER) Model EMB-135 and 145 Series Airplanes Doc. No. 2002-NE-88" (RIN2120-AA64) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4434. 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 Trent 768-60, Trent 772B-60 Turbofan Engines Doc. No. 2003-NE-29" (RIN2120-AA64) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4435. 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 747-400 Series Airplanes Equipped with General Electric Model CF6 Series Engines Doc. No. 2002-NM-128" (RIN2120-AA64) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4436. 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 RB211-535 Turbofan Engines Doc. No. 2002-NE-16" (RIN2120-AA64) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4437. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model SE3160, SA316B, SA315B, SA316C, and SA319B Helicopters Doc. No. 2003-SW34" (RIN2120-AA64) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4438. 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; Window Rock, AZ Final Rule; Confirmation of Effective Date; Doc. No. 03-AWP-9" (RIN2120-AA66) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4439. 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; Wichita ModContinent Airport, KS, Correction Doc. No. 03-ACE-52" (RIN2120-AA66) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4440. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation,

transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Piaggio Aero Industries S.p.A. Model P180 Airplanes Doc. No. 2003-CE-30" (RIN2120-AA66) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4441. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Short Brothers and Harland Ltd. Models SC-7 Series 2 and SC-7 Series Airplanes Doc. No. 2000-CE-17" (RIN2120-AA66) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4442. 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 RB211 Series Turbofan Engines Correction Doc. No. 2003-NE-13" (RIN2120-AA66) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4443. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: MD Helicopters, Inc. Model 369A, D, E, H, HE, HM, HS, F, and FF Helicopters; Correction Doc. No. 2003-SW-17" (RIN2120-AA64) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4444. 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 JT8D-200 Series Turbofan Engines Doc. No. 2002-NE-41" (RIN2120-AA64) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4445. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model EC 155B, SA-365N, and N1, AS-365N2, and AS 365N3 Helicopters Doc. No. 2002-SW-53" (RIN2120-AA64) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4446. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Wytownia Sprzetu Komunikacyjnego (WSK) PZL-10W Turboshift Engines Doc. No. 2003-NE-90" (RIN2120-AA64) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4447. 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 Doc. No. 2003-NM-141" (RIN2120-AA64) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4448. 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 45 Model Airplanes Doc. No. 2003-NM-142" (RIN2120-AA64) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4449. A communication from the Paralegal Specialist, Federal Aviation Adminis-

tration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McCauley Propeller Systems, Inc. Propeller Hum Models B5JFR36C1101, C5JFR36C1102, B5JFR36C1103, and C5JFR36C1104 Doc. No. 2003-NE-32" (RIN2120-AA64) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4450. 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 Deutschland Ltd & Co KG Dart 528, 529, 529D, 531, 532, 535, 542, and 552 Series Turboprop Engines Doc. No. 2003-NE-10" (RIN2120-AA64) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4451. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: MD Helicopters, Inc., Model 600 N Helicopters Doc. No. 2003-SW-04" (RIN2120-AA64) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4452. 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; Corning, IA Doc. No. 03-ACE-69" (RIN2120-AA66) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4453. 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; Clarion, IA Doc. No. 03-ACE-68" (RIN2120-AA66) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4454. 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; Chariton, IA Doc. No. 03-ACE-67" (RIN2120-AA66) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4455. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closure; Prohibiting Directed Fishing for Pollock in Statistical Area 610 of the Gulf of Alaska" received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4456. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Retention Limit Adjustment" (ID082203D) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4457. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement the Partial Approval of Amendment 75 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area" (RIN0648-AQ78) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4458. A communication from the Acting Director, Office of Sustainable Fisheries, Na-

tional Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Inseason Adjustment Opening B Season for Atka Mackerel with Gears Other Than Jig" received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4459. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Reallocation of Projected Unused Amounts of Bering Sea Subarea Pollock from the Incidental Catch Account to the Directed Fisheries" received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4460. A communication from the Deputy Assistant Administrator for Operations, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Correction to Figure 6 to Part 679; Changes in Length Overall of a Vessel at Section 679.2" received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4461. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Notification of Atka Mackerel Assignments for the 2003 B Season Atka Mackerel Fishery in HLA 542 and/or 543; BSAI" received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4462. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closure; Prohibiting Directed Fishing for Pollock in Statistical Area 630 of the Gulf of Alaska" received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4463. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Coastal Pelagic Species Fishery; Regulatory Amendment; Pacific Sardine Fishery" (RIN0648-AP88) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4464. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closure; prohibiting directed fishing for Pacific cod by vessels catching Pacific cod for processing by the inshore component in the Central Regulatory Area of the Gulf of Alaska" received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4465. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closure; Prohibiting Directed Fishing for Pollock in Statistical Area 620 of the Gulf of Alaska" received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4466. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closure of Directed Fishing for Non-Community Development Quota Pollock with Trawl Gear in the Chinook Salmon Savings Area of the Bering Sea and Aleutian Islands Management Area" received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4467. A communication from the Acting Division Chief, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations" (RIN0648-AN88) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4468. A communication from the Acting Division Chief, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations" (RIN0648-AN40) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4469. A communication from the Acting Division Chief, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations" (RIN0648-AP68) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4470. A communication from the Acting Division Chief, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations" (RIN0648-AN88) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4471. A communication from the Acting Division Chief, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations" received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4472. A communication from the Acting Division Chief, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations" received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4474. A communication from the General Counsel, Office of the General Counsel, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled "Confirmation of Effective Dates of Rules Declaring Metal-Cored Candlesticks Containing Lead and Candles With Such Wicks to be Hazardous Substances and Banning Them" (FR Doc. 03-16243) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4475. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act ("Appliance Labeling Rule")" (RIN3084-AA74) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4476. A communication from the Trial Attorney, Federal Railroad Administration,

Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Roadway Maintenance Machine Safety" (RIN2130-AB28) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4477. A communication from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Pipeline Safety: Recommendations to Change the Hazardous Liquid Pipeline Safety Standards" (RIN2137-AD10) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4478. A communication from the Director of Industry Programs, Office of Policy, International Trade Administration, transmitting, pursuant to law, the report of a rule entitled "Steel Import Licensing and Surge Monitoring" (RIN0625-AA60) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4479. A communication from the Deputy Director, Office of Protected Resources, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Taking and Importing Marine Mammals; Taking of Marine Mammals Incidental to Power Plant Operations" (RIN0648-AQ54) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4480. A communication from the Deputy Director, Office of Protected Resources, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Taking and Importing Marine Mammals; Taking of Marine Mammals Incidental to Missile Launch Operations from San Nicolas Island, CA" (RIN0648-AQ61) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4481. 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 "Industry and Security Programs" (RIN0694-xx21) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4482. A communication from the Office of Protected Resources, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife: Sea Turtle Conservation Requirements" (RIN0648-AR34) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4483. A communication from the Patent Counsel, Office of General Counsel, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Licensing of Government Owned Inventions" (RIN0692-AA17) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4484. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "16 CFR Part 305—Rule Concerning Disclosures Regarding Energy Consumption, . . . etc. ("Appliance Labeling Rule")—(Dishwasher and Central Air Conditioner Ranges, 2003)" (RIN3084-AA74) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SHELBY, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 1680. An original bill to reauthorize the Defense Production Act of 1950, and for other purposes (Rept. No. 108-156).

By Mr. GRASSLEY, from the Committee on Finance, with an amendment in the nature of a substitute:

S. 622. A bill to amend title XIX of the Social Security Act to provide families of disabled children with the opportunity to purchase coverage under the medicaid program for such children, and for other purposes (Rept. No. 108-157).

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

S. 1689. An original bill making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BENNETT:

S. 1678. A bill to provide for the establishment of the Uintah Research and Curatorial Center for Dinosaur National Monument in the States of Colorado and Utah, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BUNNING:

S. 1679. A bill to amend the Internal Revenue Code of 1986 to reduce the depreciation recovery period for roof systems; to the Committee on Finance.

By Mr. SHELBY:

S. 1680. An original bill to reauthorize the Defense Production Act of 1950, and for other purposes; from the Committee on Banking, Housing, and Urban Affairs; considered and passed.

By Mr. BUNNING:

S. 1681. A bill to exempt the natural aging process in the determination of the production period for distilled spirits under section 263A of the Internal Revenue Code of 1986; to the Committee on Finance.

By Mr. ROCKEFELLER:

S. 1682. A bill to provide for a test census of Americans residing abroad, and to require that such individuals be included in the 2010 decennial census; to the Committee on Governmental Affairs.

By Mr. VOINOVICH:

S. 1683. A bill to provide for a report on the parity of pay and benefits among Federal law enforcement officers and to establish an exchange program between Federal law enforcement employees and State and local law enforcement employees; to the Committee on Governmental Affairs.

By Ms. LANDRIEU (for herself, Mrs. MURRAY, and Mr. CORZINE):

S. 1684. A bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissections performed for the treatment of breast cancer; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY:

S. 1685. A bill to extend and expand the basic pilot program for employment eligibility verification, and for other purposes; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself, Ms. LANDRIEU, Mr. BUNNING, Mr. ROCKEFELLER, Mr. CRAIG, Mr. BAUCUS, Mr.

DEWINE, Mr. LEVIN, Mr. INHOFE, Mr. NELSON of Nebraska, Mrs. LINCOLN, Mrs. CLINTON, and Mr. JEFFORDS):

S. 1686. A bill to reauthorize the adoption incentive payments program under part E of title IV of the Social Security Act, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Ms. CANTWELL, and Mrs. MURRAY):

S. 1687. A bill to direct the Secretary of the Interior to conduct a study on the preservation and interpretation of the historic sites of the Manhattan Project for potential inclusion in the National Park System; to the Committee on Energy and Natural Resources.

By Mr. ROCKEFELLER:

S. 1688. A bill to amend the Internal Revenue Code of 1986 to repeal the exclusion for extraterritorial income and provide for a deduction relating to income attributable to United States production activities, and for other purposes; to the Committee on Finance.

By Mr. STEVENS:

S. 1689. An original bill making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; from the Committee on Appropriations; placed on the calendar.

ADDITIONAL COSPONSORS

S. 333

At the request of Mr. BREAUX, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 333, a bill to promote elder justice, and for other purposes.

S. 623

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

S. 875

At the request of Mr. KERRY, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 875, a bill to amend the Internal Revenue Code of 1986 to allow an income tax credit for the provision of homeownership and community development, and for other purposes.

S. 976

At the request of Mr. WARNER, the names of the Senator from Oklahoma (Mr. NICKLES) and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. 976, a bill to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement.

S. 985

At the request of Mr. DODD, the name of the Senator from Georgia (Mr. MILLER) 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. 1034

At the request of Mrs. FEINSTEIN, the name of the Senator from New York

(Mrs. CLINTON) was added as a cosponsor of S. 1034, a bill to repeal the sunset date on the assault weapons ban, to ban the importation of large capacity ammunition feeding devices, and for other purposes.

S. 1035

At the request of Mr. CORZINE, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1035, a bill to amend title 10, United States Code, to reduce the age for receipt of military retired pay for nonregular service from 60 to 55.

S. 1082

At the request of Mr. BROWNBACK, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1082, a bill to provide support for democracy in Iran.

S. 1200

At the request of Ms. CANTWELL, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1200, a bill to provide lasting protection for inventoried roadless areas within the National Forest System.

S. 1246

At the request of Mr. ROBERTS, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 1246, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 1531

At the request of Mr. HATCH, the names of the Senator from Indiana (Mr. LUGAR), the Senator from Montana (Mr. BURNS) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 1531, a bill to require the Secretary of the Treasury to mint coins in commemoration of Chief Justice John Marshall.

S. 1548

At the request of Mr. GRASSLEY, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors 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. 1549

At the request of Mrs. DOLE, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 1549, a bill to amend the Richard B. Russell National School Lunch Act to phase out reduced price lunches and breakfasts by phasing in an increase in the income eligibility guidelines for free lunches and breakfasts.

S. 1558

At the request of Mr. ALLARD, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Mississippi (Mr. COCHRAN) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of S. 1558, a bill to restore religious freedoms.

S. 1562

At the request of Mr. CRAIG, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1562, a bill to amend selected statutes to clarify existing Federal law as to the treatment of students privately educated at home under state law.

S. 1622

At the request of Mr. GRAHAM of Florida, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor 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. 1637

At the request of Mr. GRASSLEY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1637, a bill to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes.

S. 1638

At the request of Mr. GRASSLEY, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1638, a bill to amend title II of the Higher Education Act of 1965 to increase teacher familiarity with the educational needs of gifted and talented students, and for other purposes.

S. 1660

At the request of Mr. CAMPBELL, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1660, a bill to improve water quality on abandoned and inactive mine land, and for other purposes.

S. 1664

At the request of Mr. HARKIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1664, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to provide for the enhanced review of covered pesticide products, to authorize fees for certain pesticide products, and to extend and improve the collection of maintenance fees.

S. 1670

At the request of Mr. DAYTON, the names of the Senator from Florida (Mr. NELSON) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. 1670, a bill to expand the Rest and Recuperation Leave program for members of the Armed Forces serving in the Iraqi theater of operations in support of Operation Iraqi Freedom to include travel and transportation to the members' permanent station or home.

S. CON. RES. 56

At the request of Mr. CORZINE, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. Con. Res. 56, a concurrent resolution expressing the sense of the

Congress that a commemorative postage stamp should be issued honoring Gunnery Sergeant John Basilone, a great American hero.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BENNETT:

S. 1678. A bill to provide for the establishment of the Uintah Research and Curatorial Center for Dinosaur National Monument in the States of Colorado and Utah, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BENNETT. Mr. President, I rise to introduce the Uintah Research and Curatorial Center Act. This bill would authorize the National Park Service, NPS, to construct a research and curatorial facility for Dinosaur National Monument and its partner, the Utah Field House of Natural History Museum (Museum), in Vernal, UT. The facility would be co-located with the Museum while helping to preserve, protect, and exhibit the vast treasures of one of the most productive sites of dinosaur bones in the world.

Since the first discovery of Jurassic era bones by the paleontologist Earl Douglass in 1909, and the subsequent proclamation as a national monument in 1915 by President Woodrow Wilson, the Dinosaur National Monument has been a haven for both amateur and expert dinosaur enthusiasts. At present, Dinosaur National Monument has more than 600,000 items in its museum collection. Unfortunately, these items are currently stored in 17 different facilities throughout the park. Many of these resources are at risk due to the failure of the scattered facilities to meet minimum National Park Service storage standards. A new research and curatorial facility is greatly needed to bring the park's collections up to standard and to ensure its protection.

The curatorial facility will also fill a critical role as a collection center for the park and partners' fossil, archaeological, natural resource operations and collections, and park archives. Moreover, in these days of limited budgets, the decision to co-locate this facility with the State's museum will also save taxpayer dollars. The State of Utah is nearing completion of their new Field House Museum at a cost to the State of \$6.5 million dollars. Because of the co-location, NPS staff, visiting scholars, interns and volunteers would have access to the State museum's space for exhibit, classroom, conferencing, education, restrooms, public access, parking, and other needs not included in the curatorial facility.

The 22,500 square foot facility will be built outside the boundaries of the park on land donated to the Park Service by the City of Vernal and Uintah County. The legislation will also permit the Park Service to accept the donation of the land, valued at approximately \$1.5 million dollars. The Park Service estimates the total cost of add-

ing the research and curatorial center to be \$8.7 million dollars.

Other Federal agencies, such as the Bureau of Land Management and the Forest Service, who are also in need of collections storage, have become minor partners and would utilize a small portion of the storage facility. An additional partner in the project, the Intermountain Natural History Association, has agreed to fund and carry out the soil and environmental testing necessary to permit the Park Service to accept the donation.

It is imperative that we care for these paleontological resources and ensure their availability to future generations, both for scientific study and the enjoyment of the public. This legislation is a proactive approach to accomplishing those objectives and is an excellent example of a cost effective partnership between the National Park Service, the State of Utah Department of Natural Resources, the City of Vernal, and Uintah County of which this Congress ought to applaud and support.

By Mr. BUNNING:

S. 1679. A bill to amend the Internal Revenue Code of 1986 to reduce the depreciation recovery period for roof systems; to the Committee on Finance.

Mr. BUNNING. Mr. President, I rise today to introduce the Realistic Roofing Tax Treatment Act of 2003 which would amend the Internal Revenue Code to provide a more realistic depreciation schedule for commercial roofs.

In 1981, Congress eliminated component depreciation and put into place a general depreciation period of 15 years for all building components. In 1993, the recovery period for nonresidential property was extended to 39 years in order to raise revenue. The current 39-year depreciation period is not a realistic measure of the average life span of a commercial roof. It is a disincentive for building owners to replace non-performing roofs, because replacing failing roofs more frequently than 39 years means carrying the burden of roofs that no longer exist on the books.

A study by Ducker Worldwide, a leading industrial research firm, found the current aggregate commercial roof life span is 17.45 years. Ducker estimates that a shortened depreciation schedule will stimulate economic activity and generate 30,000 new jobs in a two-year period. I am particularly concerned that we help America's manufacturers and this legislation will provide them immediate tax relief. It will also provide relief to America's small businesses, which find it more difficult to absorb the impact of capital improvement expenditures than larger entities.

Congressman FOLEY will shortly be introducing similar legislation in the House of Representatives. I am pleased that this proposal has the support of the United Union of Roofers, Waterproofers and Allied Workers, and I urge my colleagues to support this important piece of legislation when it comes before the Senate.

By Mr. BUNNING.

S. 1681. A bill to exempt the natural aging process in the determination of the production period for distilled spirits under section 263A of the Internal Revenue Code of 1986; to the Committee on Finance.

Mr. BUNNING. Mr. President, today, I am pleased to introduce a bill that will address an issue of inequity in the U.S. Tax Code. Current tax law requires that certain production expenses of a product for sale by a manufacturer be capitalized into the inventory cost of that product. One such expense is the allocable portion of interest expenses that are attributable to equipment used in that production. However, this capitalization requirement only applies when the product being produced has a production period in excess of 2 years.

The bill I am introducing today will clarify that, for the production of distilled spirits, the production period for purposes of this capitalization rule includes only the distilling of the liquor—it does not include time that the liquors are naturally aged following the distillation.

This is an important clarification to insure that distilled spirits that are aged for long periods of time—in some cases many years—do not face adverse tax consequences merely due to this aging process. The clarification of this inequity will aid many small distilleries located in the United States by not forcing them to carry additional inventory costs over long periods of time.

I urge my colleagues to support this important legislation.

By Mr. ROCKEFELLER:

S. 1682. A bill to provide for a test census of Americans residing abroad, and to require that such individuals be included in the 2010 decennial census; to the Committee on Governmental Affairs.

Mr. ROCKEFELLER. Mr. President, today I want to introduce legislation to direct the Census Bureau to develop a test census of Americans living abroad in 2004. The long-term goal is to develop methods to include Americans living overseas in our next decennial census in 2010.

There are approximately 3 million to 6 million private American citizens living and working overseas, and many of them continue to vote and pay taxes in the United States. These citizens help increase exports of American goods, because they traditionally buy American, sell American, and create business opportunities for American companies and workers. Their role in strengthening the U.S. economy, creating jobs in the United States, and extending U.S. influence around the globe is vital to the well-being of our Nation.

I believe that Americans abroad deserve to be counted, and to achieve this goal we must begin with a test census next year.

For many years, I have been proud to work on policies to ensure that Americans living abroad are treated fairly.

By Mr. VOINOVICH:

S. 1683. A bill to provide for a report on the parity of pay and benefits among Federal law enforcement officers and to establish an exchange program between Federal law enforcement employees and State and local law enforcement employees; to the Committee on Governmental Affairs

Mr. VOINOVICH. 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. 1683

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 "Federal Law Enforcement Pay and Benefits Parity Act of 2003".

SEC. 2. LAW ENFORCEMENT PAY AND BENEFITS PARITY REPORT.

(a) DEFINITION.—In this section, the term "law enforcement officer" means an individual—

(1)(A) who is a law enforcement officer defined under section 8331 or 8401 of title 5, United States Code; or

(B) the duties of whose position include the investigation, apprehension, or detention of individuals suspected or convicted of offenses against the criminal laws of the United States; and

(2) who is employed by the Federal Government.

(b) REPORT.—Not later than April 30, 2004, the Office of Personnel Management shall submit a report to the President of the Senate and the Speaker of the House of Representatives and the appropriate committees and subcommittees of Congress that includes—

(1) a comparison of classifications, pay, and benefits among law enforcement officers across the Federal Government; and

(2) recommendations for ensuring, to the maximum extent practicable, the elimination of disparities in classifications, pay and benefits for law enforcement officers throughout the Federal Government.

SEC. 3. EMPLOYEE EXCHANGE PROGRAM BETWEEN FEDERAL EMPLOYEES AND EMPLOYEES OF STATE AND LOCAL GOVERNMENTS.

(a) DEFINITIONS.—In this section—

(1) the term "employing agency" means the Federal, State, or local government agency with which the participating employee was employed before an assignment under the Program;

(2) the term "participating employee" means an employee who is participating in the Program; and

(3) the term "Program" means the employee exchange program established under subsection (b).

(b) ESTABLISHMENT.—The President shall establish an employee exchange program between Federal agencies that perform law enforcement functions and agencies of State and local governments that perform law enforcement functions.

(c) CONDUCT OF PROGRAM.—The Program shall be conducted in accordance with subchapter VI of chapter 33 of title 5, United States Code.

(d) QUALIFICATIONS.—An employee of an employing agency who performs law enforcement functions may be selected to participate in the Program if the employee—

(1) has been employed by that employing agency for a period of more than 3 years;

(2) has had appropriate training or experience to perform the work required by the assignment;

(3) has had an overall rating of satisfactory or higher on performance appraisals from the employing agency during the 3-year period before being assigned to another agency under this section; and

(4) agrees to return to the employing agency after completing the assignment for a period not less than the length of the assignment.

(d) WRITTEN AGREEMENT.—An employee shall enter into a written agreement regarding the terms and conditions of the assignment before beginning the assignment with another agency.

By Mr. GRASSLEY (for himself, Ms. LANDRIEU, Mr. BUNNING, Mr. ROCKEFELLER, Mr. CRAIG, Mr. BAUCUS, Mr. DEWINE, Mr. LEVIN, Mr. INHOFE, Mr. NELSON of Nebraska, Mrs. LINCOLN, Mrs. CLINTON, and Mr. JEFFORDS):

S. 1686. A bill to reauthorize the adoption incentive payments program under part E of title IV of the Social Security Act, and for other purposes; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, Senator LANDRIEU, Senator BUNNING and I are happy to introduce the Adoption Promotion Act of 2003, a bill that would extend and improve the Adoption and Safe Families Act of 1997. Across the country there are thousands of children of all ages and needs who are waiting to be adopted into stable families. This legislation provides a reward to States that place an emphasis on finding loving homes for children who are in foster care.

The Adoption and Safe Families Act of 1997 rewarded States with cash incentives for increasing the number of adoptions of children in foster care, concentrating on children with special needs. Adoption levels were on the rise before the introduction of this legislation, but grew even faster after implementation of the program. Studies project that an additional 34,000 children were adopted during the first 3 years of the program. Currently each of the 50 States, the District of Columbia, and Puerto Rico have received incentive payments from the increased number of adoptions. My home State of Iowa just received a payment of \$524,000 because of its success in finding children in foster care permanent homes. The results are clear, adoption incentives are working.

There are many people in this country who have opened their arms to children that do not fit the typical mold. The Lippert family of Council Bluffs, IA is just one example. Over the last 25 years, they have adopted 16 children, in addition to their two biological children. Their doors are still open to children in need. Within the next 6 months their nest will become even larger; they have three teenage girls who are in the process of being adopted. All but one of these children have special needs, ranging from emotional to physical disabilities. None of these challenges have stopped the Lippert family

from helping their children become successful members of the community. The Lippert family has given these children a chance to be part of a loving and permanent family, an opportunity they would otherwise not have had.

But much remains to be done. While adoption incentives have helped states place a large number of children in families, there are still thousands of children without such luck. The incentive program helps to promote the needs of children for whom it is challenging to find an adoptive home. Take for example, children over the age of 9. The probability that these children will ever find a permanent home exceeds the probability they will be adopted into a loving family. This legislation adds an incentive for States to increase the number of older children adopted out of foster care.

Adoption is a positive life-changing experience. My bill builds upon the success of the Adoption and Safe Families Act of 1997. It recognizes these successes and continues to challenge States to remove children from foster care and place them with a permanent family. Adoptions give children a loving home and families an opportunity to share their love with a child in need. I encourage the Senate to consider this important piece of legislation and continue to reward States that are working to place children in permanent homes.

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. 1686

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 "Adoption Promotion Act of 2003".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) In 1997, the Congress passed the Adoption and Safe Families Act of 1997 to promote comprehensive child welfare reform to ensure that consideration of children's safety is paramount in child welfare decisions, and to provide a greater sense of urgency to find every child a safe, permanent home.

(2) The Adoption and Safe Families Act of 1997 also created the Adoption Incentives program, which authorizes incentive payments to States to promote adoptions, with additional incentives provided for the adoption of foster children with special needs.

(3) Since 1997, all States, the District of Columbia, and Puerto Rico have qualified for incentive payments for their work in promoting adoption of foster children.

(4) Between 1997 and 2002, adoptions increased by 64 percent, and adoptions of children with special needs increased by 63 percent; however, 542,000 children remain in foster care, and 126,000 are eligible for adoption.

(5) Although substantial progress has been made to promote adoptions, attention should be focused on promoting adoption of older children. Recent data suggest that half of the children waiting to be adopted are age 9 or older.

SEC. 3. REAUTHORIZATION OF ADOPTION INCENTIVE PAYMENTS PROGRAM.

(a) IN GENERAL.—Section 473A of the Social Security Act (42 U.S.C. 673b) is amended—

(1) in subsection (b)—
(A) by striking paragraph (2) and inserting the following:

“(2)(A) the number of foster child adoptions in the State during the fiscal year exceeds the base number of foster child adoptions for the State for the fiscal year; or

“(B) the number of older child adoptions in the State during the fiscal year exceeds the base number of older child adoptions for the State for the fiscal year.”;

(B) in paragraph (4), by striking “and 2002” and inserting “through 2007”; and

(C) in paragraph (5), by striking “2002” and inserting “2007”;

(2) in subsection (c), by striking paragraph (2) and inserting the following:

“(2) DETERMINATION OF NUMBERS OF ADOPTIONS BASED ON AFCARS DATA.—The Secretary shall determine the numbers of foster child adoptions, of special needs adoptions that are not older child adoptions, and of older child adoptions in a State during each of fiscal years 2002 through 2007, for purposes of this section, on the basis of data meeting the requirements of the system established pursuant to section 479, as reported by the State and approved by the Secretary by August 1 of the succeeding fiscal year.”;

(3) in subsection (d)(1)—

(A) in subparagraph (A), by striking “and”;

(B) in subparagraph (B)—

(i) by inserting “that are not older child adoptions” after “adoptions” each place it appears; and

(ii) by striking the period and inserting “; and”;

(C) by adding at the end the following:

“(C) \$4,000, multiplied by the amount (if any) by which the number of older child adoptions in the State during the fiscal year exceeds the base number of older child adoptions for the State for the fiscal year.”;

(4) in subsection (g)—

(A) in paragraph (3), by striking subparagraphs (A) and (B) and inserting the following:

“(A) with respect to fiscal year 2003, the number of foster child adoptions in the State in fiscal year 2002; and

“(B) with respect to any subsequent fiscal year, the number of foster child adoptions in the State in the fiscal year for which the number is the greatest in the period that begins with fiscal year 2002 and ends with the fiscal year preceding that subsequent fiscal year.”;

(B) in paragraph (4)—

(i) in the paragraph heading, by inserting “THAT ARE NOT OLDER CHILD ADOPTIONS” after “ADOPTIONS”; and

(ii) by striking subparagraphs (A) and (B) and inserting the following:

“(A) with respect to fiscal year 2003, the number of special needs adoptions that are not older child adoptions in the State in fiscal year 2002; and

“(B) with respect to any subsequent fiscal year, the number of special needs adoptions that are not older child adoptions in the State in the fiscal year for which the number is the greatest in the period that begins with fiscal year 2002 and ends with the fiscal year preceding that subsequent fiscal year.”;

(C) by adding at the end the following:

“(5) BASE NUMBER OF OLDER CHILD ADOPTIONS.—The term ‘base number of older child adoptions for a State’ means—

“(A) with respect to fiscal year 2003, the number of older child adoptions in the State in fiscal year 2002; and

“(B) with respect to any subsequent fiscal year, the number of older child adoptions in the State in the fiscal year for which the

number is the greatest in the period that begins with fiscal year 2002 and ends with the fiscal year preceding that subsequent fiscal year.

“(6) OLDER CHILD ADOPTIONS.—The term ‘older child adoptions’ means the final adoption of a child who has attained 9 years of age if—

“(A) at the time of the adoptive placement, the child was in foster care under the supervision of the State; or

“(B) an adoption assistance agreement was in effect under section 473 with respect to the child.”;

(5) in subsection (h)—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking “and”;

(ii) in subparagraph (C), by striking the period and inserting “; and”; and

(iii) by adding at the end the following:

“(D) \$43,000,000 for each of fiscal years 2004 through 2008.”; and

(B) in paragraph (2)—

(i) by inserting “, or under any other law for grants under subsection (a),” after “(1)”;

(ii) by striking “2003” and inserting “2008”;

(6) in subsection (i)(4), by striking “1998 through 2000” and inserting “2004 through 2006”; and

(7) by striking subsection (j).

(b) REPORT ON ADOPTION AND OTHER PERMANENCY OPTIONS FOR CHILDREN IN FOSTER CARE.—Not later than October 1, 2004, the Secretary of Health and Human Services shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on State efforts to promote adoption and other permanency options for children in foster care, with special emphasis on older children in foster care. In preparing this report, the Secretary shall review State waiver programs and consult with representatives from State governments, public and private child welfare agencies, and child advocacy organizations to identify promising approaches.

SEC. 4. AUTHORITY TO IMPOSE PENALTIES FOR FAILURE TO SUBMIT AFCARS REPORT.

Section 474 of the Social Security Act (42 U.S.C. 674) is amended by adding at the end the following:

“(f)(1) If the Secretary finds that a State has failed to submit to the Secretary data, as required by regulation, for the data collection system implemented under section 479, the Secretary shall, within 30 days after the date by which the data was due to be so submitted, notify the State of the failure and that payments to the State under this part will be reduced if the State fails to submit the data, as so required, within 6 months after the date the data was originally due to be so submitted.

“(2) If the Secretary finds that the State has failed to submit the data, as so required, by the end of the 6-month period referred to in paragraph (1) of this subsection, then, notwithstanding subsection (a) of this section and any regulations promulgated under section 1123A(b)(3), the Secretary shall reduce the amounts otherwise payable to the State under this part, for each quarter ending in the 6-month period (and each quarter ending in each subsequent consecutively occurring 6-month period until the Secretary finds that the State has submitted the data, as so required), by—

“(A) $\frac{1}{2}$ of 1 percent of the total amount expended by the State for administration of foster care activities under the State plan approved under this part in the quarter so ending, in the case of the 1st 6-month period during which the failure continues; or

“(B) $\frac{1}{4}$ of 1 percent of the total amount so expended, in the case of the 2nd or any subsequent such 6-month period.”.

SEC. 5. EFFECTIVE DATE.

The amendments made by this Act shall take effect on October 1, 2003.

Mr. ROCKEFELLER. Mr. President, I am proud to join Senator GRASSLEY and a bipartisan coalition in sponsoring the Adoption Promotion Act of 2003. This legislation will reauthorize and expand on the adoption bonuses created as part of the 1997 Adoption and Safe Families Act.

The Adoption and Safe Families Act stated clearly that a child's health and safety are paramount, and that every child deserves a permanent home. Key policy changes were made to promote permanency, including streamlining the process and creating incentives for adoption. Since 1997, the number of adoptions from foster care increased by 64 percent, and the number of adoptions of children with special needs increased by 63 percent. This is wonderful news for the children and families. But over 500,000 children are still in foster care, and 126,000 of those children have adoption as a goal.

This legislation would reauthorize the existing adoption bonuses, and it would create a new bonus for children over the age of 9 who represent almost half of the children waiting for adoption. The Adoption Promotion Act is an important next step to improving our child welfare system.

In West Virginia, over 900 children have been adopted from the foster care system since enactment of the Adoption and Safe Families Act. This is good news for the children and families, but many more children in my State and across the country are waiting for a safe, permanent home.

Adoption is a wonderful event that changes a child's life and creates a special family. Today, in addition to introducing this legislation, the Congressional Adoption Caucus will celebrate its Angels in Adoption Award, including an award to a very special West Virginian, Millie Mairs, who has worked on adoption issues in my State for almost 30 years at the West Virginia Children's Home Society. Her work has helped to change many lives.

This legislation is key, but it is only part of the puzzle to improving our foster care system which, according to the findings of the Child and Family Service Reviews, needs to be strengthened. As more children move into adoption, especially older children, we must become more aware and respond to the needs for post-adoption services. I hope that future action on child welfare reform will be bipartisan, like the Adoption Promotion Act. It is encouraging to know that the Pew Commission on Children in Foster Care is working to develop recommendations regarding child welfare financing and the role of the courts in child welfare policy. Hopefully, these recommendations can help forge bipartisan consensus for future changes that will enhance the lives of our most vulnerable children, those in foster care.

Mr. INHOFE. Mr. President, I rise today to join my colleagues in introducing this bill to reauthorize the Adoption Incentives Program.

The Adoption Incentives Program was created in 1997 as a part of the Adoption and Safe Families Act to encourage and expedite adoptions for children in foster care.

Under the current program, States are given incentive payments for increased adoptions of all foster children, as well as for adoptions of children with special needs. This reauthorization bill will continue that program, while offering new, targeted incentives for adoptions of older children.

There is an overwhelming need for adoption of foster children. Over 550,000 children are currently languishing in foster care in the United States. Of this number, more than 165,000 are children who will never be adopted.

Only half of the children in foster care graduate from high school and only 11 percent of that number go to college. Within 1 year of leaving foster care, 49 percent of these young people are unemployed and within 3 years of leaving foster care, up to 45 percent have been arrested and almost 75 percent have been arrested at least once.

Providing these children with a permanent, stable family helps them become successful, contributing members of society. I am proud to lend my support to this important legislation that will help give these young people a home.

Mr. BUNNING. Mr. President, I would like the opportunity to talk for a few minutes with my colleague from Iowa about the important role of adoption and foster care. Today, I am proud to be supporting legislation that the Senator from Iowa is introducing to reauthorize the Adoption Incentive Program. This is an important program that encourages States to do all they can to find permanent homes for children in foster care.

Mr. GRASSLEY. I appreciate that the Senator from Kentucky has worked so hard with me on the reauthorization of the Adoption Incentive Program. I also appreciate the lead the Senator took several months ago when he introduced the original legislation to reauthorize this program, which was based on the administration's proposal. This was an important step to help get the ball rolling on this program's reauthorization.

Our legislation builds upon the Adoption Incentive Program created in the Adoption and Safe Family Act of 1997. This bill sets the authorization level for this program at \$43 million for each of fiscal year 2004 through fiscal year 2008. Through this legislation, States would continue to be rewarded for all increased adoptions of children in foster care.

States that earn incentive payments for increased adoptions of foster children would also continue to be rewarded for increased adoptions of special needs children. However, the spe-

cial needs payment would be limited only to adoptions of special needs children who are under age 9 at the time the adoption is finalized.

Senator BUNNING, as you well know, our bill would create a third incentive payment, for each increased adoption of all children in foster care who are age 9 or older at the time of adoption. This is important because children over the age of nine are less likely to find a permanent adoptive home. In fact, the probability that these children never find a permanent home exceeds the probability they will be adopted into a loving family.

Mr. BUNNING. I am pleased that we are continuing the bonuses for States that increase the number of adoptions each year, along with keeping the additional incentive for adoptions of special needs children and providing a new incentive for States to focus on the adoptions of older children.

I am proud to say that Kentucky has also done fairly well under the Adoption Incentive Program over the years, and I am glad we are continuing the program. From 1998 to 2001, Kentucky received \$1.6 million adoption incentives. For 2002, the Department of Health and Human Services recently announced that my State will receive \$204,000 in adoption incentives.

Mr. GRASSLEY. My home State of Iowa and its child welfare program has also benefited from this program. Last year, Iowa received a payment of \$524,000 because of its success in finding children in foster care, permanent homes. Our States' successes underscore the results of this program; adoption incentives are working.

Mr. BUNNING. I am sure the Senator from Iowa will agree with me that we need to make it as easy as possible for loving families to either adopt or become foster parents for children in need. There is nothing more special than a family opening up their home to a child and providing a safe and supportive environment. This is why I have worked on adoption and foster care issues for so long in Congress.

In fact, last year I was pleased that one of my foster care initiatives was passed as part of the 2002 economic stimulus bill. Many families who take in foster care children receive stipends from the placement agency which helps pay for food, clothes and other expenses.

In the past, some of these stipends were tax-free for families, while others were taxable. I didn't feel that was fair, so my provision made all stipends that foster care families receive to be tax free. This provision corrected an inconsistency in the tax code that unfairly punished foster care families and the children for whom they care, and I was happy we could finally correct this problem.

Mr. GRASSLEY. In the recent past, Congress has also taken some positive steps to promote adoption through tax credit. In 2001, as chairman of the Finance Committee, I extended and ex-

panded two important provisions which provide tax relief for adoptive families.

The 2001 tax bill ensured that neither adoption tax credit, nor the exclusion from income for qualified employer-paid adoption expenses expired. In addition, the amount of each of these benefits was doubled—i.e., from \$5,000 to \$10,000 per qualifying child. Finally, in the case of special needs adoptions, Congress eliminated expense reporting requirements thus ensuring that the families who take special needs children into their homes receive the maximum relief possible under these provisions, while minimizing their administrative burdens.

Mr. BUNNING. I certainly agree with you that the adoption tax credits are good policy, and I am very familiar with them. In fact, back in 1996, I worked as a Member of the Ways and Means Committee to pass the original legislation providing for the tax credits to help families afford to adopt children. We finally got this credit passed as part of the Small Business Job Protection Act which passed over seven years ago. I was very supportive of the provisions in the 2001 tax bill to expand these credits, but would like to take them one step further.

Within the next couple of weeks, I will be introducing legislation to make these tax credits permanent. If we don't eliminate the sunset which was built into the tax bill, then the current maximum credit of \$10,000 will be reduced back down to \$5,000 in 2010. To me, this seems like a common-sense change that needs to be made.

I introduced a similar bill in the 107th Congress, and I am hopeful that we can get this bill passed before the end of the 108th Congress.

Mr. GRASSLEY. I look forward to working with you on this issue in the near future.

Mr. BUNNING. Finally, I would like to say a few words about the importance of promoting interracial adoptions. In the past, many times there were barriers to families adopting minority children. This isn't fair to the family or the child. That is why in 1996, I pushed for legislation stopping discrimination against minority children in order to make it easier for them to move from foster care into a loving, permanent home.

All of these initiatives are designed to help find permanent or temporary homes for our Nation's children. Today, we are taking another important step by reauthorizing the Adoption Incentive Program, and I hope that we can get this bill through the Senate and onto the President's desk soon.

Mr. GRASSLEY. It is also my hope that we can get this bipartisan bill through Congress and allow it to become law. I would like to thank you, Senator BUNNING, and the other members of the Senate who have worked so hard on this legislation.

By Mr. BINGAMAN (for himself,
Ms. CANTWELL, and Mrs. MURRAY):

S. 1687. A bill to direct the Secretary of the Interior to conduct a study on the preservation and interpretation of the historic sites of the Manhattan Project for potential inclusion in the National Park System; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I rise to introduce the Manhattan Project National Historical Park Study Act. This bill authorizes the National Park Service, in coordination with the Secretaries of Energy and Defense, to undertake a special resource study to assess the national significance, suitability, and feasibility of designating various Manhattan Project sites and their facilities as a National Historical Park. Specifically, the study will evaluate the historic significance of the Manhattan Project facilities of Los Alamos and the Trinity Site in the State of New Mexico, of the Hanford Site in the State of Washington, and of Oak Ridge in the State of Tennessee. I am pleased that my distinguished colleagues from the States of Washington, Senators CANTWELL and MURRAY, are cosponsoring this bill.

The significance of the Manhattan Project to this Nation—and indeed the World—would be difficult to overstate. The project was initiated as a desperate effort in the middle of World War II to beat Nazi Germany to the construction of the first nuclear bomb. The effort was of a magnitude and intensity not seen before or since: in a mere three years, 130,000 men and women went to work on a \$2.2 billion mission that furiously pushed science, technology, engineering, and society into a new age.

The magnitude of the effort is easily matched by its legacy. This legacy includes an ending to the Second World War, as well as the foundation for nuclear medicine and great advances in physics, mathematics, engineering, and technology. A number of scholars have argued that it also includes a dramatic change to a sustained era of relative world peace. But this legacy also includes the deaths of hundreds of thousands of Japanese, and the sacrifices of the homesteaders that were forced off of the sites to make way for the project, its thousands of workers and their families, and the uranium miners, “down-winders”, and others. This legacy has been the subject of hot debate for decades, and this debate continues today—as it must.

There are historic facilities at the four Manhattan Project sites that are absolutely essential resources for informing this important debate, and there should be no question that they are of great national and international significance. Pulitzer Prize-winning Manhattan Project author Richard Rhodes has said that “the discovery of how to release nuclear energy was arguably the most important human discovery since fire—reason enough to preserve its remarkable history.”

But while the enormous significance of the Manhattan Project makes our

obligation to preserve and interpret this history abundantly clear, it makes it equally challenging. The greatest challenge has been—and will continue to be—interpreting this history in a sensitive and balanced way. This Nation is blessed with historic assets that praise the best of humanity and some that mourn the worst, some that grace us with glory and some that humble us with anguish, some that impress us with brilliance and some that embarrass us with senselessness, some that manifest beginnings and some that mark ends, some that inspire us with awe and some that fascinate us with curiosities, and some that grip us with the fear of destruction and some that give us the hope of creation. But I don't know of any others that challenge us with legitimate passions for all of these.

Preserving and interpreting this history also includes the challenge of respecting the ongoing missions and responsibilities of the Department of Energy and the Department of Defense at the Manhattan Project sites. Access to some of the historic facilities must be restricted—to some prohibited—and other precautions also may be necessary. The Departments of Energy and Defense have begun to take on these challenges, and they deserve much credit for doing so. The Bradbury Museum in Los Alamos is a good example, as are the biannual tours of the Trinity Site on White Sands Missile Range. They have recognized that preserving this history offers great opportunities not only for the public, but for their employees. Employees who better appreciate this history will be more likely to appreciate their careers, and they certainly will appreciate the boost interested tourists give to their local economies.

This bill asks the question whether we will do better to preserve and interpret the important history of the Manhattan Project by unifying and promoting the various efforts at these sites as a National Historical Park. It is appropriate that our Nation's leader in historic preservation and interpretation—the National Park Service—lead the effort to answer this question. In doing so, they will consult with the Secretaries of Energy and Defense, as well as State, tribal, and local officials, and representatives of interested organizations and members of the public. The Park Service's expertise, experience, and enthusiasm is critical to the endeavor.

In asking this question we are neither celebrating the Manhattan Project nor lamenting it. But we are recognizing our responsibility to society to ensure it is neither forgotten nor misunderstood.

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. 1687

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 “Manhattan Project National Historical Park Study Act of 2003”.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Manhattan Project, the World War II effort to develop and construct the world's first atomic bomb, represents an extraordinary era of American and world history that—

(A) included remarkable achievements in science and engineering made possible by innovative partnerships among Federal agencies, universities, and private industries; and

(B) culminated in a transformation of the global society by ushering in the atomic age;

(2) the Manhattan Project was an unprecedented \$2,200,000,000, 3-year, top-secret effort that employed approximately 130,000 men and women at its peak;

(3) the Manhattan Project sites contain historic resources that are crucial for the interpretation of the Manhattan Project, including facilities in—

(A) Oak Ridge, Tennessee (where the first uranium enrichment facilities and pilot-scale nuclear reactor were built);

(B) Hanford, Washington (where the first large-scale reactor for producing plutonium was built);

(C) Los Alamos, New Mexico (where the atomic bombs were designed and built); and

(D) Trinity Site, New Mexico (where the explosion of the first nuclear device took place);

(4) the Secretary of the Interior has recognized the national significance in American history of Manhattan Project facilities in the study area by—

(A) designating the Los Alamos Scientific Laboratory in the State of New Mexico as a National Historic Landmark in 1965 and adding the Laboratory to the National Register of Historic Places in 1966;

(B) designating the Trinity Site on the White Sands Missile Range in the State of New Mexico as a National Historic Landmark in 1965 and adding the Site to the National Register of Historic Places in 1966;

(C) designating the X-10 Graphite Reactor at the Oak Ridge National Laboratory in the State of Tennessee as a National Historic Landmark in 1965 and adding the Reactor to the National Register of Historic Places in 1966;

(D) adding the Oak Ridge Historic District to the National Register of Historic Places in 1991;

(E) adding the B Reactor at the Hanford Site in the State of Washington to the National Register of Historic Places in 1992; and

(F) by adding the Oak Ridge Turnpike, Bear Creek Road, and Bethel Valley Road Checking Stations in the State of Tennessee to the National Register of Historic Places in 1992;

(5) the Hanford Site has been nominated by the Richland Operations Office of the Department of Energy and the Washington State Historic Preservation Office for addition to the National Register of Historic Places;

(6) a panel of experts convened by the Advisory Council on Historic Preservation in 2001 reported that the development and use of the atomic bomb during World War II has been called “the single most significant event of the 20th century” and recommended that various sites be formally established “as a collective unit administered for preservation, commemoration, and public interpretation in cooperation with the National Park Service”;

(7) the Advisory Council on Historic Preservation reported in 2001 that the preservation and interpretation of the historic sites of the Manhattan Project offer significant value as destinations for domestic and international tourists; and

(8) preservation and interpretation of the Manhattan Project historic sites are necessary for present and future generations to fully appreciate the extraordinary undertaking and complex consequences of the Manhattan Project.

SEC. 3. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(2) STUDY.—The term “study” means the study authorized by section 4(a).

(3) STUDY AREA.—The term “study area” means the following Manhattan Project sites:

(A) Los Alamos National Laboratory and townsite in the State of New Mexico.

(B) The Trinity Site on the White Sands Missile Range in the State of New Mexico.

(C) The Hanford Site in the State of Washington.

(D) Oak Ridge Laboratory in the State of Tennessee.

(E) Other significant sites relating to the Manhattan Project determined by the Secretary to be appropriate for inclusion in the study.

SEC. 4. SPECIAL RESOURCE STUDY.

(a) STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a special resource study of the study area to assess the national significance, suitability, and feasibility of designating the various historic sites and structures of the study area as a unit of the National Park System in accordance with section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)).

(2) ADMINISTRATION.—In conducting the study, the Secretary shall—

(A) consult with the Secretary of Energy, the Secretary of Defense, State, tribal, and local officials, representatives of interested organizations, and members of the public; and

(B) evaluate, in coordination with the Secretary of Energy and the Secretary of Defense, the compatibility of designating the study area, or 1 or more parts of the study area, as a national historical park or national historic site with maintaining security, productivity and management goals of the Department of Energy and the Department of Defense, and public health and safety.

(b) REPORT.—Not later than 1 year after the date on which funds are made available to carry out the study, the Secretary shall submit to Congress a report that describes the findings of the study and any conclusions and recommendations of the Secretary.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Ms. CANTWELL. Mr. President, I rise today as a cosponsor, along with my colleagues, Senators BINGAMAN and MURRAY of the Manhattan Project National Historical Park Study Act.

This bill authorizes a special resource study to determine the suitability and feasibility of developing a national park site at one or more of the facilities that playing a major role in the Manhattan Project—the Federal Government’s top-secret effort during World War II to develop nuclear weapons before its opponents, an initiative that changed the course of world his-

tory. I believe it is tremendously important for the citizens of our Nation to learn about the important functions the various Manhattan Project sites served in defending our Nation, from World War II through the cold war, and to recognize and understand the complicated and weighty issues arising from the production and use of nuclear weapons, their impact on world history as well as their human and environmental costs.

In January of 1943, Hanford, WA was selected by the War Department to serve as a part of President Franklin Delano Roosevelt’s Manhattan Project plan. The site was selected for several reasons: It was remotely located from population centers, which fostered security and safety; the Columbia River provided plenty of water to cool the reactors; and cheap and abundant electricity was available from nearby Federal dams.

The history of this era is a complicated one—as farmers and tribes were displaced, given 30 days to move from their homes in central Washington. By March 1943, construction had started on the site, which covers about 625 square miles. At the time, the priority facility on the Hanford Reservation was the B reactor. Built in just 11 months as American scientists and their allies engaged in what was then perceived as a race with the Germans to develop nuclear capability, B reactor was the world’s first large-scale plutonium production reactor.

The need for labor for the project turned Hanford into an atomic boomtown, with the population reaching 50,000 by the summer of 1944. Workers at the sprawling Hanford complex were not even sure of what they were producing, and tales of German rockets used during battles led many workers to believe they were producing rocket fuel. In fact, this secrecy continued even after the atomic bombs were dropped. One worker recalled that many children who lived in the area didn’t even know what their parent who worked at Hanford did on the job.

Clearly, the B reactor at Hanford made significant contributions to U.S. defense policies during its production run, from 1944 through 1968. Plutonium from the B reactor was used in the world’s first nuclear explosion, called the Trinity Test, in New Mexico on July 16, 1945. B reactor plutonium was also used in the “Fat Man” bomb dropped on Nagasaki, Japan on August 9, 1945. The blast devastated more than two square miles of the city, effectively ending World War II. The B reactor also produced plutonium for the cold war efforts until 1968.

The B reactor is simply a stunning feat of engineering. Built in less than a year, the reactor consisted of a 1,200-ton graphite cylinder lying on its side, which was penetrated through its entire length horizontally by over 2,000 aluminum tubes. Two hundred tons of uranium slugs the size of rolls of quarters went into the tubes. Cooling water

from the Columbia River, which first had to be treated, was pumped through the aluminum tubes at 75,000 gallons per minute. Water consumption approached that of a city with a population of 300,000. The B reactor was one of three reactors that had its own auxiliary facilities that included a river pump house, large storage and settling basins, a filtration plant, huge motor-driven pumps for delivering the water, and facilities for emergency cooling in case of a power failure. It was the first of an eventual nine nuclear reactors that remain on the banks of the Columbia River—a potent reminder of both the war effort and the environmental burden with which we must contend.

The people of Washington State, and especially the residents of the tri-cities, are proud of their contributions to the World War II and cold war efforts. We are left with these irreplaceable relics of the Manhattan Project—such as the B reactor—which are incredibly important in understanding the engineering achievements that propelled this country into the nuclear age, with all of the complicated moral issues it poses for the possessors of such technology. As the Department of Energy continues its work to clean up the Hanford site, the country’s most contaminated nuclear reservation, it is important that we also honor the achievements of the important work done here, as well as commemorate the tremendous sacrifices made by workers, displaced families and tribes, and this era’s environmental legacy.

There is already strong support in the communities that surround Hanford for preserving the history of the Manhattan Project, and I would like to commend the B reactor Museum Association and Bechtel Hanford, Inc. for all this work to date. In recent years, they have worked hard to decontaminate, clean, inventory, and spruce up B reactor’s interior so that people can walk in to see three chambers. But more work needs to be done if we want to preserve the reactor for future generations, which must learn about the Manhattan Project and its impact on world history.

One such way to do that is to look into the possibility of adding the B reactor as well as Manhattan Project sites in other parts of the country as a new National Park unit.

I look forward to working with my colleagues to ensure passage of this bill, as the study it authorizes is a much-needed first step in determining the best options for preserving this important piece of American history.

By Mr. ROCKEFELLER:

S. 1688. A bill to amend the Internal Revenue Code of 1986 to repeal the exclusion for extraterritorial income and provide for a deduction relating to income attributable to United States production activities, and for other purposes; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I would like to draw your attention to a few very troubling statistics. Manufacturing employment in the United States has now fallen to its lowest level in 41 years. In the last five years, we have lost 16 percent of all our factory jobs. In the last 2 years alone we have lost approximately 2.5 million manufacturing jobs.

These are frightening statistics. They ought to jolt every Member of the Senate and prompt an urgent call for action. A vibrant manufacturing base is essential to our standard of living. For generations, factory jobs have been the path to the middle class, providing good wages, health insurance, and pension benefits. Advances in manufacturing technology accounts for most of our economy's increased productivity. And every dollar spent on finished manufactured goods is estimated to produce \$2.43 of economic activity. Simply put, we cannot become a service-only economy and expect to maintain our high standard of living. We ought to act swiftly to ensure that Americans still produce steel and computers and cars and pharmaceuticals.

We ought not be timid in the face of the devastating statistics I cited. Piecemeal efforts will not revitalize our industrial base. Therefore, today I am introducing the Securing America's Factory Employment (SAFE) Act. This bill will offer relief to American manufacturers on several fronts. First, my legislation would provide a tax deduction to any company that offers manufacturing jobs in the United States. Second, this bill helps companies cover the cost of providing health care for retirees, a crippling obligation for many of our once proud industries. And third, I propose that we strengthen our trade laws to ensure that they offer the protections that our domestic industries deserve from unfair and illegal trade practices.

Let me take a moment to explain in greater detail how these proposals can help our domestic manufacturing base. This Congress is compelled to repeal the Foreign Sales Corporation/Extraterritorial Income provisions of the U.S. Tax Code in order to avoid \$4 billion in trade sanctions authorized by the World Trade Organization. Regardless of my opinion of the WTO's decision in this matter, I recognize that it may be that to protect our economy from a trade war we must update our Tax Code. We can do so and still encourage manufacturing by reducing the overall effective corporate income tax rate on domestic manufacturing.

The SAFE Act provides a 9-percent deduction for profits derived from manufacturing activities in the United States; this is the equivalent of lowering the corporate income tax rate from 35 percent to 32 percent for the portion of profits that can be directly linked to U.S. factories, mining operations, and the like. This straightforward tax break will lower the cost of doing business in the United States and

will help companies that employ Americans compete in the global marketplace.

In addition, this bill includes a tax credit to employers to encourage them to retain their retiree health insurance coverage. As you know, employers and other health plan sponsors continue to restructure how they provide health care benefits for both workers and retirees. The percent of employers offering retiree health benefits has declined substantially over the past 15 years. Two-thirds of all firms with 200 or more workers sponsored retiree coverage 15 years ago. According to the most recent data, only 38 percent of such employers provide retiree benefits today. Despite these reductions, the employer-sponsored health care system is the largest source of health care coverage in this country today. The SAFE Act would provide employers with a tax credit to cover 75 percent of the costs associated with providing health care coverage to their retirees in order to protect existing coverage and reverse the current trend.

Finally, my legislation would strengthen our trade protections. Our antidumping and countervailing duty (AD/CVD) trade law are often the first and last time of defense for U.S. industries injured by unfairly or illegally traded imports. These laws are absolutely essential to the survival of our manufacturing sector in an increasingly global market—but some of their provisions have become antiquated by recent changes in our global economy and the new structure of international trade. The Americans steel crisis has made it clear that these trade laws need to be strengthened. Companies, workers, families and communities rely heavily on these laws to prevent the ill-effects of unfair trade. Our antidumping and countervailing duty laws need to be updated and amended so they work as intended, and as permitted, under the rules of international trade.

For example, the SAFE Act includes a provision that allows us to consider whether or not an industry is vulnerable to the effects of imports in making antidumping and countervailing duty determinations. Another provision in this bill will make it tougher for our trading partners to circumvent antidumping or countervailing duty orders by clarifying that AD/CVD orders include products that have been changed in only very minor respects. This will help prevent foreign nations from making slight alterations to products that they are exporting to us in order to skirt existing AD/CVD orders.

Another clear problem under our current trade laws is that foreign producers and exporters of subject merchandise may avoid AD/CVD duties by using complex schemes that mask payment of countervailing duties resulting in the understatement of duty rates. My legislation would restrict such practices by requiring the importer, if affiliated with the foreign producers or

exporters, to demonstrate that the importer was in no way reimbursed for any AD/CVD duties paid. There are certainly other changes we should consider to update our trade remedy laws. These provisions are by no means an exhaustive list of needed reforms. But we do need to get the debate started, and I offer this bill as a way to re-energize the debate.

The SAFE Act addresses several of the most dire needs of our manufacturing companies. It improves our trade laws, helps with the burden of retiree health care costs, and effectively lowers the corporate tax rate on manufacturing activities. This package of reforms is an effective plan to stem the flow of good manufacturing jobs overseas. If we are serious about revitalizing our economy and maintaining our standard of living, we must act quickly to shore up our manufacturing base. I hope that my colleagues will join me in this effort.

I ask that the text of my legislation be printed in the RECORD.

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

S. 1688

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Securing American Factory Employment (SAFE) Act".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

TITLE I—PROVISIONS RELATING TO REPEAL OF EXCLUSION FOR EXTRATERRITORIAL INCOME

SEC. 101. REPEAL OF EXCLUSION FOR EXTRATERRITORIAL INCOME.

(a) IN GENERAL.—Section 114 is hereby repealed.

(b) CONFORMING AMENDMENTS.—

(1)(A) Subpart E of part III of subchapter N of chapter 1 (relating to qualifying foreign trade income) is hereby repealed.

(B) The table of subparts for such part III is amended by striking the item relating to subpart E.

(2) The table of sections for part III of subchapter B of chapter 1 is amended by striking the item relating to section 114.

(3) The second sentence of section 56(g)(4)(B)(i) is amended by striking "or under section 114".

(4) Section 275(a) is amended—

(A) by inserting "or" at the end of paragraph (4)(A), by striking "or" at the end of paragraph (4)(B) and inserting a period, and by striking subparagraph (C), and

(B) by striking the last sentence.

(5) Paragraph (3) of section 864(e) is amended—

(A) by striking:

"(3) TAX-EXEMPT ASSETS NOT TAKEN INTO ACCOUNT.—

"(A) IN GENERAL.—For purposes of"; and inserting:

"(3) TAX-EXEMPT ASSETS NOT TAKEN INTO ACCOUNT.—For purposes of", and

(B) by striking subparagraph (B).

(6) Section 903 is amended by striking "114, 164(a)," and inserting "164(a)".

(7) Section 999(c)(1) is amended by striking "941(a)(5),".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to transactions occurring after the date of the enactment of this Act.

(2) BINDING CONTRACTS.—The amendments made by this section shall not apply to any transaction in the ordinary course of a trade or business which occurs pursuant to a binding contract—

(A) which is between the taxpayer and a person who is not a related person (as defined in section 943(b)(3) of such Code, as in effect on the day before the date of the enactment of this Act), and

(B) which is in effect on September 17, 2003, and at all times thereafter.

(d) REVOCATION OF SECTION 943(e) ELECTIONS.—

(1) IN GENERAL.—In the case of a corporation that elected to be treated as a domestic corporation under section 943(e) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of this Act)—

(A) the corporation may, during the 1-year period beginning on the date of the enactment of this Act, revoke such election, effective as of such date of enactment, and

(B) if the corporation does revoke such election—

(i) such corporation shall be treated as a domestic corporation transferring (as of such date of enactment) all of its property to a foreign corporation in connection with an exchange described in section 354 of such Code, and

(ii) no gain or loss shall be recognized on such transfer.

(2) EXCEPTION.—Subparagraph (B)(ii) of paragraph (1) shall not apply to gain on any asset held by the revoking corporation if—

(A) the basis of such asset is determined in whole or in part by reference to the basis of such asset in the hands of the person from whom the revoking corporation acquired such asset,

(B) the asset was acquired by transfer (not as a result of the election under section 943(e) of such Code) occurring on or after the 1st day on which its election under section 943(e) of such Code was effective, and

(C) a principal purpose of the acquisition was the reduction or avoidance of tax (other than a reduction in tax under section 114 of such Code, as in effect on the day before the date of the enactment of this Act).

(e) GENERAL TRANSITION.—

(1) IN GENERAL.—In the case of a taxable year ending after the date of the enactment of this Act and beginning before January 1, 2007, for purposes of chapter 1 of such Code, a current FSC/ETI beneficiary shall be allowed a deduction equal to the transition amount determined under this subsection with respect to such beneficiary for such year.

(2) CURRENT FSC/ETI BENEFICIARY.—The term "current FSC/ETI beneficiary" means any corporation which entered into one or more transactions during its taxable year beginning in calendar year 2002 with respect to which FSC/ETI benefits were allowable.

(3) TRANSITION AMOUNT.—For purposes of this subsection—

(A) IN GENERAL.—The transition amount applicable to any current FSC/ETI beneficiary for any taxable year is the phaseout percentage of the base period amount.

(B) PHASEOUT PERCENTAGE.—

(i) IN GENERAL.—In the case of a taxpayer using the calendar year as its taxable year, the phaseout percentage shall be determined under the following table:

Years:	The phaseout percentage is:
2004	80
2005	80
2006	60.

(ii) SPECIAL RULE FOR 2003.—The phaseout percentage for 2003 shall be the amount that bears the same ratio to 100 percent as the number of days after the date of the enactment of this Act bears to 365.

(iii) SPECIAL RULE FOR FISCAL YEAR TAXPAYERS.—In the case of a taxpayer not using the calendar year as its taxable year, the phaseout percentage is the weighted average of the phaseout percentages determined under the preceding provisions of this paragraph with respect to calendar years any portion of which is included in the taxpayer's taxable year. The weighted average shall be determined on the basis of the respective portions of the taxable year in each calendar year.

(4) BASE PERIOD AMOUNT.—For purposes of this subsection, the base period amount is the aggregate FSC/ETI benefits for the taxpayer's taxable year beginning in calendar year 2002.

(5) FSC/ETI BENEFIT.—For purposes of this subsection, the term "FSC/ETI benefit" means—

(A) amounts excludable from gross income under section 114 of such Code, and

(B) the exempt foreign trade income of related foreign sales corporations from property acquired from the taxpayer (determined without regard to section 923(a)(5) of such Code (relating to special rule for military property), as in effect on the day before the date of the enactment of the FSC Repeal and Extraterritorial Income Exclusion Act of 2000).

In determining the FSC/ETI benefit there shall be excluded any amount attributable to a transaction with respect to which the taxpayer is the lessor unless the leased property was manufactured or produced in whole or in part by the taxpayer.

(6) SPECIAL RULE FOR FARM COOPERATIVES.—Determinations under this subsection with respect to an organization described in section 943(g)(1) of such Code, as in effect on the day before the date of the enactment of this Act, shall be made at the cooperative level and the purposes of this subsection shall be carried out in a manner similar to section 250(h) of such Code, as added by this Act. Such determinations shall be in accordance with such requirements and procedures as the Secretary may prescribe.

(7) CERTAIN RULES TO APPLY.—Rules similar to the rules of section 41(f) of such Code shall apply for purposes of this subsection.

(8) COORDINATION WITH BINDING CONTRACT RULE.—The deduction determined under paragraph (1) for any taxable year shall be reduced by the phaseout percentage of any FSC/ETI benefit realized for the taxable year by reason of subsection (c)(2), except that for purposes of this paragraph the phaseout percentage for 2003 shall be treated as being equal to 100 percent.

(9) SPECIAL RULE FOR TAXABLE YEAR WHICH INCLUDES DATE OF ENACTMENT.—In the case of a taxable year which includes the date of the enactment of this Act, the deduction allowed under this subsection to any current FSC/ETI beneficiary shall in no event exceed—

(A) 100 percent of such beneficiary's base period amount for calendar year 2003, reduced by

(B) the aggregate FSC/ETI benefits of such beneficiary with respect to transactions occurring during the portion of the taxable year ending on the date of the enactment of this Act.

SEC. 102. DEDUCTION RELATING TO INCOME ATTRIBUTABLE TO UNITED STATES PRODUCTION ACTIVITIES.

(a) IN GENERAL.—Part VI of subchapter B of chapter 1 (relating to itemized deductions for individuals and corporations) is amended by adding at the end the following new section:

"SEC. 199. INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES.

"(a) IN GENERAL.—There shall be allowed as a deduction an amount equal to 9 percent of the qualified production activities income of the taxpayer for the taxable year.

"(b) PHASEIN.—In the case of taxable years beginning in 2004, 2005, 2006, 2007, or 2008, subsection (a) shall be applied by substituting for the '9 percent' the transition percentage determined under the following table:

Tableable years beginning in:	The transition percentage is:
2004	1
2005	2
2006	3
2007 or 2008	6.

"(c) QUALIFIED PRODUCTION ACTIVITIES INCOME.—For purposes of this section, the term 'qualified production activities income' means an amount equal to the portion of the modified taxable income of the taxpayer which is attributable to domestic production activities.

"(d) DETERMINATION OF INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES.—For purposes of this section—

"(1) IN GENERAL.—The portion of the modified taxable income which is attributable to domestic production activities is so much of the modified taxable income for the taxable year as does not exceed—

"(A) the taxpayer's domestic production gross receipts for such taxable year, reduced by

"(B) the sum of—

"(i) the costs of goods sold that are allocable to such receipts,

"(ii) other deductions, expenses, or losses directly allocable to such receipts, and

"(iii) a proper share of other deductions, expenses, and losses that are not directly allocable to such receipts or another class of income.

"(2) ALLOCATION METHOD.—The Secretary shall prescribe rules for the proper allocation of items of income, deduction, expense, and loss for purposes of determining income attributable to domestic production activities.

"(3) SPECIAL RULES FOR DETERMINING COSTS.—

"(A) IN GENERAL.—For purposes of determining costs under clause (i) of paragraph (1)(B), any item or service brought into the United States without a transfer price meeting the requirements of section 482 shall be treated as acquired by purchase, and its cost shall be treated as not less than its value when it entered the United States. A similar rule shall apply in determining the adjusted basis of leased or rented property where the lease or rental gives rise to domestic production gross receipts.

"(B) EXPORTS FOR FURTHER MANUFACTURE.—In the case of any property described in subparagraph (A) that had been exported by the taxpayer for further manufacture, the increase in cost or adjusted basis under subparagraph (A) shall not exceed the difference between the value of the property when exported and the value of the property when brought back into the United States after the further manufacture.

"(4) MODIFIED TAXABLE INCOME.—The term 'modified taxable income' means taxable income computed without regard to the deduction allowable under this section.

"(e) DOMESTIC PRODUCTION GROSS RECEIPTS.—For purposes of this section, the

term 'domestic production gross receipts' means the gross receipts of the taxpayer which are derived from—

“(1) any sale, exchange, or other disposition of, or

“(2) any lease, rental, or license of, qualifying production property which was manufactured, produced, grown, or extracted in whole or in significant part by the taxpayer within the United States.

“(f) QUALIFYING PRODUCTION PROPERTY.—For purposes of this section—

“(1) IN GENERAL.—Except as otherwise provided in this paragraph, the term 'qualifying production property' means—

“(A) any tangible personal property,

“(B) any computer software, and

“(C) any property described in section 168(f) (3) or (4).

“(2) EXCLUSIONS FROM QUALIFYING PRODUCTION PROPERTY.—The term 'qualifying production property' shall not include—

“(A) consumable property that is sold, leased, or licensed by the taxpayer as an integral part of the provision of services,

“(B) electricity,

“(C) water supplied by pipeline to the consumer,

“(D) utility services, or

“(E) any property (not described in paragraph (1)(B)) which is a film, tape, recording, book, magazine, newspaper, or similar property the market for which is primarily topical or otherwise essentially transitory in nature.

“(g) DEFINITIONS AND SPECIAL RULES.—

“(1) TREATMENT OF PASS-THRU ENTITIES.—The Secretary shall prescribe rules for the proper application of this section in the case of pass-thru entities other than cooperatives to which paragraph (2) applies and subchapter S corporations.

“(2) EXCLUSION FOR PATRONS OF COOPERATIVES.—

“(A) IN GENERAL.—If any amount described in paragraph (1) or (3) of section 1385 (a)—

“(i) is received by a person from an organization to which part I of subchapter T applies, and

“(ii) is allocable to the portion of the qualified production activities income of the organization which is deductible under subsection (a) and designated as such by the organization in a written notice mailed to its patrons during the payment period described in section 1382(a),

then such person shall be allowed an exclusion from gross income with respect to such amount. The taxable income of the organization shall not be reduced under section 1382 by the portion of any such amount with respect to which an exclusion is allowable to a person by reason of this paragraph.

“(B) SPECIAL RULES.—For purposes of applying subparagraph (A), in determining the qualified production activities income of the organization under this section—

“(i) there shall not be taken into account in computing the organization's modified taxable income any deduction allowable under subsection (b) or (c) of section 1382 (relating to patronage dividends, per-unit retain allocations, and nonpatronage distributions), and

“(ii) the organization shall be treated as having manufactured, produced, grown, or extracted in whole or significant part any qualifying production property marketed by the organization which its patrons have so manufactured, produced, grown, or extracted.

“(3) COORDINATION WITH MINIMUM TAX.—The deduction under this section shall be allowed for purposes of the tax imposed by section 55; except that for purposes of section 55, alternative minimum taxable income shall be taken into account in determining the deduction under this section.

“(4) ORDERING RULE.—The amount of any other deduction allowable under this chapter shall be determined as if this section had not been enacted.

“(5) COORDINATION WITH TRANSITION RULES.—For purposes of this section—

“(A) domestic production gross receipts shall not include gross receipts from any transaction if the binding contract transition relief of section 101(c)(2) of the Securing American Factory Employment (SAFE) Act applies to such transaction, and

“(B) any deduction allowed under section 101(e) of such Act shall be disregarded in determining the portion of the taxable income which is attributable to domestic production gross receipts.”.

(b) DEDUCTION ALLOWED TO SHAREHOLDERS OF S CORPORATIONS.—

(1) IN GENERAL.—Section 1363(b) (relating to computation of S corporation's taxable income) is amended by striking “and” at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting “, and”, and by adding at the end the following new paragraph:

“(5) the deduction under section 199 shall be allowed to the S corporation.”

(2) INCREASE IN BASIS.—Section 1367(a)(1) (relating to increases in basis) is amended by striking “and” at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting “, and”, and by adding at the end the following new subparagraph:

“(D) any deduction allowed under section 199.”

(c) MINIMUM TAX.—Section 56(g)(4)(C) (relating to disallowance of items not deductible in computing earnings and profits) is amended by adding at the end the following new clause:

“(v) DEDUCTION FOR DOMESTIC PRODUCTION.—Clause (i) shall not apply to any amount allowable as a deduction under section 199.”

(d) CLERICAL AMENDMENT.—The table of sections for part VI of subchapter B of chapter 1 is amended by adding at the end the following new item:

“Sec. 199. Income attributable to domestic production activities.”

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

(2) APPLICATION OF SECTION 15.—Section 15 of the Internal Revenue Code of 1986 shall apply to the amendments made by this section as if they were changes in a rate of tax.

TITLE II—EMPLOYER-PROVIDED RETIRED EMPLOYEE HEALTH CARE TAX CREDIT

SEC. 201. TAX CREDIT FOR 75 PERCENT OF EMPLOYER-PROVIDED RETIRED EMPLOYEE HEALTH PREMIUMS.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business-related credits) is amended by adding at the end the following:

“SEC. 45G. RETIRED EMPLOYEE HEALTH INSURANCE EXPENSES.

“(a) GENERAL RULE.—For purposes of section 38, in the case of a qualified employer, the retired employee health insurance expenses credit determined under this section is an amount equal to 75 percent of the amount paid by the taxpayer during the taxable year for qualified retired employee health insurance expenses.

“(b) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

“(1) QUALIFIED EMPLOYER.—The term 'qualified employer' means any employer which is eligible for the deduction allowable under section 199 for the taxable year.

“(2) QUALIFIED RETIRED EMPLOYEE HEALTH INSURANCE EXPENSES.—

“(A) IN GENERAL.—The term 'qualified retired employee health insurance expenses' means any amount paid by an employer for health insurance coverage to the extent such amount is attributable to coverage provided to any retired employee and such retired employee's spouse and dependents.

“(B) EXCEPTION FOR AMOUNTS PAID UNDER SALARY REDUCTION ARRANGEMENTS.—No amount paid or incurred for health insurance coverage pursuant to a salary reduction arrangement shall be taken into account under subparagraph (A).

“(C) HEALTH INSURANCE COVERAGE.—The term 'health insurance coverage' has the meaning given such term by paragraph (1) of section 9832(b) (determined by disregarding the last sentence of paragraph (2) of such section).

“(3) RETIRED EMPLOYEE.—The term 'retired employee' means an individual who has met any years of service or disability requirements under an employee benefit plan of the employer.

“(c) CERTAIN RULES MADE APPLICABLE.—For purposes of this section, rules similar to the rules of section 52 shall apply.

“(d) DENIAL OF DOUBLE BENEFIT.—No deduction or credit under any other provision of this chapter shall be allowed with respect to qualified retired employee health insurance expenses taken into account under subsection (a).

“(e) TERMINATION.—This section shall not apply to taxable years beginning after December 31, 2003.”.

(b) CREDIT TO BE PART OF GENERAL BUSINESS CREDIT.—Section 38(b) (relating to current year business credit) 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:

“(16) the retired employee health insurance expenses credit determined under section 45G.”.

(c) NO CARRYBACKS.—Subsection (d) of section 39 (relating to carryback and carryforward of unused credits) is amended by adding at the end the following:

“(11) NO CARRYBACK OF SECTION 45G CREDIT BEFORE EFFECTIVE DATE.—No portion of the unused business credit for any taxable year which is attributable to the retired employee health insurance expenses credit determined under section 45G may be carried back to a taxable year ending before the date of the enactment of section 45G.”.

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following:

“Sec. 45G. Retired employee health insurance expenses.”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2003.

TITLE III—AMENDMENTS TO TITLE VII OF THE TARIFF ACT OF 1930

SEC. 301. CAPTIVE PRODUCTION.

Section 771(7)(C)(iv) of the Tariff Act of 1930 (19 U.S.C. 1677(7)(C)(iv)) is amended to read as follows:

“(iv) CAPTIVE PRODUCTION.—If domestic producers transfer internally, including to affiliated persons as defined in paragraph (33), significant production of the domestic like product for the production of a downstream article and sell significant production of the domestic like product in the merchant market, then the Commission, in determining market share and the factors affecting financial performance set forth in

clause (iii), shall focus primarily on the merchant market for the domestic like product.”.

SEC. 302. PRICE.

Section 771(7)(C)(ii) of the Tariff Act of 1930 (19 U.S.C. 1677(7)(C)(ii)) is amended by adding at the end the following flush sentence:

“Imports of the subject merchandise may have a significant effect on prices irrespective of whether the magnitude of, or change in the volume of, imports of the subject merchandise is significant.”.

SEC. 303. VULNERABILITY OF INDUSTRY.

Section 771(7)(C)(iii) of the Tariff Act of 1930 (19 U.S.C. 1677(7)(C)(iii)) is amended in the last sentence by striking the period at the end and inserting “, including whether the industry is vulnerable to the effects of imports of the subject merchandise.”.

SEC. 304. CAUSAL RELATIONSHIP BETWEEN IMPORTS AND INJURY.

Section 771(7)(E)(ii) of the Tariff Act of 1930 (19 U.S.C. 1677(7)(E)(ii)) is amended by adding at the end the following: “The Commission need not determine the significance of imports of the subject merchandise relative to other economic factors.”.

SEC. 305. PREVENTION OF CIRCUMVENTION.

Section 781(c) of the Tariff Act of 1930 (19 U.S.C. 1677j(c)) is amended by adding at the end the following new paragraph:

“(3) SPECIAL RULE.—The administering authority shall apply paragraph (1) with respect to altered merchandise excluded from, or not specifically included in, the merchandise description used in an outstanding order or finding, if such application is not inconsistent with the affirmative determination of the Commission on which the order or finding is based.”.

SEC. 306. FULL RECOGNITION OF SUBSIDY CONFERRED THROUGH PROVISION OF GOODS AND SERVICES AND PURCHASE OF GOODS.

Section 771(5)(E) of the Tariff Act of 1930 (19 U.S.C. 1677(5)(E)) is amended by adding at the end the following: “If transactions in the country which is the subject of the investigation or review do not reflect market conditions due to government action associated with provision of the good or service or purchase of the goods, determination of the adequacy of remuneration shall be through comparison with the most comparable market price elsewhere in the world.”.

SEC. 307. PROHIBITION ON MASKING REIMBURSEMENT OF DUTIES.

Section 772(d) of the Tariff Act of 1930 (19 U.S.C. 1677a(d)) is amended—

(1) by striking “and” at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting “; and”; and

(3) by adding at the end the following new paragraphs:

“(4) if the importer is the producer or exporter, or the importer and the producer or exporter are affiliated persons, an amount equal to the dumping margin calculated under section 771(35)(A), unless the producer or exporter is able to demonstrate that the importer was in no way reimbursed for any antidumping duties paid; and

“(5) if the importer is the producer or exporter, or the importer and the producer or exporter are affiliated persons, an amount equal to the net countervailable subsidy calculated under section 771(6), unless the producer or exporter is able to demonstrate that the importer was in no way reimbursed for any countervailing duties paid.”.

SEC. 308. EXPORT PRICE AND CONSTRUCTED EXPORT PRICE.

Section 772(c)(2)(A) of the Tariff Act of 1930 (19 U.S.C. 1677a(c)(2)(A)) is amended by inserting “(including countervailing duties imposed under this title)” after “duties”.

SEC. 309. APPLICATION TO CANADA AND MEXICO.

Pursuant to article 1902 of the North American Free Trade Agreement and section 408 of the North American Free Trade Agreement Implementation Act, the amendments made by this title shall apply with respect to goods from Canada and Mexico.

SEC. 310. EFFECTIVE DATE.

The amendments made by this title shall apply with respect to determinations made under title VII of the Tariff Act of 1930 that—

(1) are made with respect to investigations initiated or petitions filed after the date of enactment of this Act; or

(2) have not become final as of such date of enactment.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1790. Mr. SCHUMER (for himself, Mr. DASCHLE, Mr. REID, Ms. MIKULSKI, Mr. ROCKEFELLER, Mr. LEAHY, Mr. LEVIN, Mr. NELSON of Florida, Mr. KENNEDY, Mr. DURBIN, Mr. BAUCUS, Mr. HARKIN, Mr. BAYH, Mr. HOLLINGS, Mr. BIDEN, Mr. LAUTENBERG, Mr. SARBANES, Mr. BINGAMAN, Mr. KERRY, Mr. WYDEN, Mr. GRAHAM of Florida, Mrs. BOXER, Mr. LIEBERMAN, and Mrs. FEINSTEIN) proposed an amendment to the bill H.R. 2765, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, and for other purposes.

SA 1791. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table.

SA 1792. Mr. MCCONNELL (for Mr. SHELBY (for himself and Mr. SARBANES)) proposed an amendment to the bill S. 1680, to reauthorize the Defense Production Act of 1950, and for other purposes.

SA 1793. Mr. MCCONNELL (for Mr. GRASSLEY) proposed an amendment to the bill H.R. 3146, to extend the Temporary Assistance for Needy Families block grant program, and certain tax and trade programs, and for other purposes.

TEXT OF AMENDMENTS

SA 1790. Mr. SCHUMER (for himself, Mr. DASCHLE, Mr. REID, Ms. MIKULSKI, Mr. ROCKEFELLER, Mr. LEAHY, Mr. LEVIN, Mr. NELSON of Florida, Mr. KENNEDY, Mr. DURBIN, Mr. BAUCUS, Mr. HARKIN, Mr. BAYH, Mr. HOLLINGS, Mr. BIDEN, Mr. LAUTENBERG, Mr. SARBANES, Mr. BINGAMAN, Mr. KERRY, Mr. WYDEN, Mr. GRAHAM of Florida, Mrs. BOXER, Mr. LIEBERMAN, and Mrs. FEINSTEIN) proposed an amendment to the bill H.R. 2765, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. —. SENSE OF CONGRESS CONCERNING THE APPOINTMENT OF A SPECIAL COUNSEL TO CONDUCT A FAIR, THOROUGH, AND INDEPENDENT INVESTIGATION INTO A NATIONAL SECURITY BREACH.

(a) FINDINGS.—Congress finds that—

(1) the national security of the United States is dependent on our intelligence operatives being able to operate undercover and without fear of having their identities disclosed;

(2) recent reports have indicated that administration or White House officials may have deliberately leaked the identity of a covert CIA agent to the media;

(3) the unauthorized disclosure of a covert intelligence agent's identity is a Federal felony; and

(4) the Attorney General has the power to appoint a special counsel of integrity and stature who may conduct an investigation into the leak without the appearance of any conflict of interest.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Attorney General of the United States should appoint a special counsel of the highest integrity and stature to conduct a fair, independent, and thorough investigation of the leak and ensure that all individuals found to be responsible for this heinous deed are punished to the fullest extent permitted by law.

SA 1791. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page ___, between lines ___ and ___, insert the following:

SEC. . (a) The Secretary of Defense shall expand the United States Central Command Rest and Recuperation Leave program to provide a member of the Armed Forces participating in the program with travel and transportation allowances for travel at the expense of the United States between the original airport of debarkation for the member and the member's permanent station or home if the member elects to travel to such destination.

(b) The travel and transportation allowances that may be provided under subsection (a) are the travel and transportation allowances specified in section 404(d) of title 37, United States Code, except that no per diem allowance may be paid to a member for a period that the member is at the member's permanent station or home.

(c) Travel and transportation allowances provided for travel under subsection (a) are in addition to any other travel and transportation or other allowances that may be provided for such travel by law.

(d) This section shall apply with respect to travel under the United States Central Command Rest and Recuperation Leave program that is commenced before, on, or after the date of the enactment of this Act.

(e) In this section:

(1) The term “United States Central Command Rest and Recuperation Leave program” means the Rest and Recuperation Leave program for certain members of the Armed Forces serving in the Iraqi theater of operations in support of Operation Iraqi Freedom as established by the United States Central Command on September 25, 2003.

(2) The term “original airport of debarkation” means an airport designated as an airport of debarkation for members of the Armed Forces under the Central Command Rest and Recuperation Leave program as of the establishment of such program on September 25, 2003.

(f) Of the amount appropriated under title ___ for the Iraqi witness protection program, \$60,000,000 is hereby transferred to the

Secretary of Defense for payment of travel and transportation allowances provided under this section.

SA 1792. Mr. McCONNELL (for Mr. SHELBY (for himself and Mr. SARBANES)) proposed an amendment to the bill S. 1680, to reauthorize the Defense Production Act of 1950, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Defense Production Act Reauthorization of 2003".

SEC. 2. REAUTHORIZATION OF DEFENSE PRODUCTION ACT OF 1950.

(a) IN GENERAL.—The 1st sentence of section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended—

(1) by striking "sections 708" and inserting "sections 707, 708,"; and

(2) by striking "September 30, 2003" and inserting "September 30, 2004".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 711(b) of the Defense Production Act of 1950 (50 U.S.C. App. 2161(b)) is amended by striking "through 2003" and inserting "through 2004".

SEC. 3. RESOURCE SHORTFALL FOR RADIATION-HARDENED ELECTRONICS.

(a) IN GENERAL.—Notwithstanding the limitation contained in section 303(a)(6)(C) of the Defense Production Act of 1950 (50 U.S.C. App. 2093(a)(6)(C)), the President may take actions under section 303 of the Defense Production Act of 1950 to correct the industrial resource shortfall for radiation-hardened electronics, to the extent that such Presidential actions do not cause the aggregate outstanding amount of all such actions to exceed \$200,000,000.

(b) REPORT BY THE SECRETARY.—Before the end of the 6-month period beginning on the date of the enactment of this Act, the Secretary of Defense shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives describing—

(1) the current state of the domestic industrial base for radiation-hardened electronics;

(2) the projected requirements of the Department of Defense for radiation-hardened electronics;

(3) the intentions of the Department of Defense for the industrial base for radiation-hardened electronics; and

(4) the plans of the Department of Defense for use of providers of radiation-hardened electronics beyond the providers with which the Department had entered into contractual arrangements under the authority of the Defense Production Act of 1950, as of the date of the enactment of this Act.

SEC. 4. CLARIFICATION OF PRESIDENTIAL AUTHORITY.

Subsection (a) of section 705 of the Defense Production Act of 1950 (50 U.S.C. App. 2155(a)) is amended by inserting after the end of the 1st sentence the following new sentence: "The authority of the President under this section includes the authority to obtain information in order to perform industry studies assessing the capabilities of the United States industrial base to support the national defense."

SEC. 5. CRITICAL INFRASTRUCTURE PROTECTION AND RESTORATION.

Section 702 of the Defense Production Act of 1950 (50 U.S.C. App. 2152) is amended—

(1) by redesignating paragraphs (3) through (17) as paragraphs (4) through (18), respectively;

(2) by inserting after paragraph (2) the following new paragraph:

"(3) CRITICAL INFRASTRUCTURE.—The term 'critical infrastructure' means any systems and assets, whether physical or cyber-based, so vital to the United States that the degradation or destruction of such systems and assets would have a debilitating impact on national security, including, but not limited to, national economic security and national public health or safety."; and

(3) in paragraph (14) (as so redesignated by paragraph (1) of this section), by inserting "and critical infrastructure protection and restoration" before the period at the end of the last sentence.

SEC. 6. REPORT ON CONTRACTING WITH MINORITY- AND WOMEN-OWNED BUSINESSES.

(a) REPORT REQUIRED.—Before the end of the 1-year period beginning on the date of the enactment of this Act, the Secretary of Defense shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the extent to which contracts entered into during the fiscal year ending before the end of such 1-year period under the Defense Production Act of 1950 have been contracts with minority- and women-owned businesses.

(b) CONTENTS OF REPORT.—The report submitted under subsection (a) shall include the following:

(1) The types of goods and services obtained under contracts with minority- and women-owned businesses under the Defense Production Act of 1950 in the fiscal year covered in the report.

(2) The dollar amounts of such contracts.

(3) The ethnicity of the majority owners of such minority- and women-owned businesses.

(4) A description of the types of barriers in the contracting process, such as requirements for security clearances, that limit contracting opportunities for minority- and women-owned businesses, together with such recommendations for legislative or administrative action as the Secretary of Defense may determine to be appropriate for increasing opportunities for contracting with minority- and women-owned businesses and removing barriers to such increased participation.

(c) DEFINITIONS.—For purposes of this section, the terms "women-owned business" and "minority-owned business" have the meanings given such terms in section 21A(r) of the Federal Home Loan Bank Act, and the term "minority" has the meaning given such term in section 1204(c)(3) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

SA 1793. Mr. McCONNELL (for Mr. GRASSLEY) proposed an amendment to the bill H.R. 3146, to extend the Temporary Assistance for Needy Families block grant program, and certain tax and trade programs, and for other purposes; as follows:

At the end of title IV, insert:

SEC. ____ . EXTENSION OF PROVISION EQUALIZING URBAN AND RURAL STANDARDIZED MEDICARE INPATIENT HOSPITAL PAYMENTS.

(a) IN GENERAL.—Paragraphs (1) and (2) of section 402(b) of the Miscellaneous Appropriations Act, 2003 (Public Law 108-7; 117 Stat. 548) are each amended by striking "September 30, 2003" and inserting "March 31, 2004".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by subsection (a) shall take effect as if included in the enactment of the Miscellaneous Appropriations Act, 2003.

(2) AUTHORITY TO DELAY IMPLEMENTATION.—

(A) IN GENERAL.—If the Secretary of Health and Human Services (in this subsection referred to as the "Secretary") determines that it is not administratively feasible to implement the amendments made by subsection (a), notwithstanding such amendments and in order to comply with Congressional intent, the Secretary may delay the implementation of such amendments until such time as the Secretary determines to be appropriate, but in no case later than November 1, 2003.

(B) TEMPORARY ADJUSTMENT FOR REMAINDER OF FISCAL YEAR 2004 TO EFFECT FULL RATE CHANGE.—If the Secretary delays implementation of the amendments made by subsection (a) under subparagraph (A), the Secretary shall make such adjustment to the amount of payments affected by such delay, for the portion of fiscal year 2004 after the date of the delayed implementation, in such manner as the Secretary estimates will ensure that the total payments for inpatient hospital services so affected with respect to such fiscal year is the same as would have been made if this paragraph had not been enacted.

(C) NO EFFECT ON PAYMENTS FOR SUBSEQUENT PAYMENT PERIODS.—The application of subparagraphs (A) and (B) shall not affect payment rates and shall not be taken into account in calculating payment amounts for services furnished for periods after September 30, 2004.

(D) ADMINISTRATION OF PROVISIONS.—

(i) NO RULEMAKING OR NOTICE REQUIRED.—The Secretary may carry out the authority under this paragraph by program memorandum or otherwise and is not required to prescribe regulations or to provide notice in the Federal Register in order to carry out such authority.

(ii) LIMITATION ON REVIEW.—There shall be no administrative or judicial review under section 1869 or 1878 of the Social Security Act (42 U.S.C. 1395ff and 1395oo), or otherwise of any delay or determination made by the Secretary under this paragraph or the application of the payment rates determined under this paragraph.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, September 30, 2003, at 2:30 p.m., in open session, to receive testimony regarding investigations into allegations of sexual assault at the United States Air Force Academy.

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

COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 30, 2003, at 10 a.m. to conduct a hearing on "The State of the Securities Industry."

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and

Transportation be authorized to meet on Tuesday, September 30, 2003, at 9:30 a.m. on Do-Not-Call.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, September 30, 2003, at 9:30 a.m. to hold a hearing on nominations.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Tuesday, September 30, 2003, at 9 a.m. for a hearing to consider the nominations of Dale Cabaniss to be Chairman, Federal Labor Relations Authority; Craig S. Iscoe to be Associate Judge, Superior Court of the District of Columbia; and Brian F. Holeman to be Associate Judge, Superior Court of the District of Columbia.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Tuesday, September 30, 2003, at 10 a.m. in room 366 of the Dirksen Senate Office Building to conduct a joint hearing with the Senate Energy and Natural Resources Committee, Subcommittee on Water and Power, on S. 437, the Arizona Water Settlement Act.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Tuesday, September 30, 2003, at 4 p.m., for a markup on pending legislation. The meeting will be held in room 418 of the Russell Senate Office Building.

Agenda

1. S. 1131, a bill to increase, effective as of December 1, 2003, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

2. Committee Print of S. 1132, a bill to improve and enhance certain benefits for survivors of veterans, and for other purposes, as amended, to incorporate, in addition, original provisions and provisions derived from S. 257, S. 517, S. 1133, S. 1156, S. 1188, S. 1213, S. 1239, S. 1281, and S. 1360.

3. Committee Print of S. 1156, a bill to improve and enhance the provision of long-term health care for veterans, to enhance and improve authorities relating to the administration of per-

sonnel of the Department of Veterans Affairs, and for other purposes, as amended, to incorporate, in addition, original provisions and provisions derived from S. 548, S. 615, S. 1144, S. 1213, S. 1283, S. 1289, S. 1341, and S. 1572.

4. Committee Print of S. 1136, a bill to restate, clarify and revise. The Soldiers and Sailors Civil Relief Act of 1940, as amended.

5. H.R. 1516, a bill to provide for the establishment by the Secretary of Veterans Affairs of five additional cemeteries of the National Cemetery System, as amended.

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

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. GREGG. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs be authorized to meet on Tuesday, September 30, 2003, at 10 a.m., for a hearing entitled "Privacy & Piracy: The Paradox of Illegal File Sharing on Peer-to-Peer Networks and the Impact of Technology on the Entertainment Industry."

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

SUBCOMMITTEE ON CONSUMER AFFAIRS AND PRODUCT LIABILITY

Mr. GREGG. Mr. President, I ask unanimous consent that the Subcommittee on Consumer Affairs and Product Liability be authorized to meet on Tuesday, September 30, 2003, at 2:30 p.m., on the Obesity War: Are our Dietary Guidelines Losing?

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

SUBCOMMITTEE ON IMMIGRATION AND BORDER SECURITY

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Immigration and Border Security be authorized to meet to conduct a hearing on "Visa Issuance: Our First Line of Defense for Homeland Security" on Tuesday, September 30, 2003, at 2 p.m. in SD226.

WITNESS LIST:

The Honorable Asa Hutchinson, Undersecretary for Border and Transportation Security Directorate, Department of Homeland Security, Washington, DC.

The Honorable Marua Harty, Assistant Secretary for Consular Affairs, Department of State, Washington, DC.

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

SUBCOMMITTEE ON SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Substance Abuse and Mental Health Services be authorized to meet for a hearing on Underage Drinking: Research and Recommendations during the session of the Senate on Tuesday, September 30, 2003, at 10 a.m.

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

SUBCOMMITTEE ON WATER AND POWER

Mr. GREGG. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources and the Committee on Indian Affairs be authorized to meet jointly during the session of the Senate on September 30, 2003, at 10 a.m.

The purpose of this hearing is to examine S. 437, the Arizona water settlements acts, which is a bill to provide for adjustments to the Central Arizona Project in Arizona, to authorize the Gila River Indian Community Water Rights Settlement, to reauthorize and amend the Southern Arizona Water Rights Settlement Act of 1982, and for other purposes.

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

COMMENDING JOHN E. DOLIBOIS FOR DEDICATION TO HIS COUNTRY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 199 and the Senate then proceed to its consideration.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 199) commending John E. Dolibois for dedication to his country, contributions to global education, and more than a half century of service to humanity.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the 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 further intervening action or debate.

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

The resolution (S. Res. 199) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 199

Whereas John Dolibois was born in Luxembourg and when he arrived in the United States of America at 12 years of age, he was not able to speak English, but learned it quickly and added it to his fluency in German and French;

Whereas John Dolibois became a naturalized citizen in 1941;

Whereas John Dolibois' service as a captain in United States Army intelligence called on his highly developed personal skills to make him a prime interrogator of 86 top Nazi prisoners, in preparation for and during the International War Crimes Trial in Nuremberg after World War II;

Whereas John Dolibois contributed to spreading the understanding of World War II atrocities by speaking publicly for decades about his experiences following the War Crimes Trial, including speaking engagements this year;

Whereas John Dolibois served Miami University in Oxford, Ohio for 34 years, including service as vice president for university

relations from 1967 to 1981, and while in that role he was instrumental in the University establishing an overseas campus in Luxembourg, named the John E. Dolibois European Center;

Whereas John Dolibois was responsible for funds raised in the late 1940s through early 1980s that helped build Miami University's art museum, conference center, chapel, and alumni center, and helped provide numerous scholarships;

Whereas John Dolibois authored major sections on alumni programming and college public relations in the International Encyclopedia of Higher Education and contributed articles to the State Department's "Exchange Magazine" on international education;

Whereas John Dolibois received the Miami University's highest honor, the Benjamin Harrison Medal, and the "Citizen of the Year" award from an Oxford, Ohio, committee of residents in 1963, in part for his service as a trustee to the Lane Public Library and as a director of the Community Chest;

Whereas John Dolibois was 1 of 12 United States citizens named by President Richard Nixon to the Board of Foreign Scholarships, which he served on for 3 terms, supervising the Fulbright Program and playing a major role in the development of the Fulbright Alumni Program;

Whereas John Dolibois' personal and diplomatic skills further distinguished his ability to communicate effectively, allowing him to serve as the United States Ambassador to Luxembourg from 1981 to 1985, upon the request of President Ronald Reagan;

Whereas John Dolibois, as a member of Luxembourg's Board of Economic Development, encouraged United States business in Luxembourg and stimulated trade between Luxembourg and Ohio;

Whereas John Dolibois has been decorated twice by the Grand Duchy of Luxembourg for his wartime service and his contributions to international education and tourism;

Whereas John Dolibois has stayed connected to youth via 50 years of activity with the Boy Scouts, including becoming an Eagle Scout, serving as a vice president for the Dan Beard Scout Council in Cincinnati, and receiving scouting's highest honor, the Silver Beaver Award;

Whereas John Dolibois earned critical acclaim for his memoir, "Pattern of Circles", in which he professed his gratitude for the United States of America, his adopted country; and

Whereas John Dolibois was inducted into Ohio's Veterans Hall of Fame in 1998 and has been noted in "Who's Who in America" and "Who's Who in the World": Now, therefore, be it

Resolved, That the Senate—

(1) commends John E. Dolibois for superior lifetime achievements, an indisputable resolve to contribute, and an inspirational legacy of service to this country and to the global community; and

(2) expresses its appreciation for his lifelong service.

RUNAWAY, HOMELESS, AND MISSING CHILDREN PROTECTION ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 1925 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1925) to reauthorize programs under the Runaway and Homeless Youth Act and Missing Children's Assistance Act, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. I urge the Senate to take up and pass H.R. 1925, the Runaway, Homeless, and Missing Children Protection Act. The Senate version of this bill—which was identical—passed unanimously in the Judiciary Committee last Thursday, and this bill deserves the support of every Senator. I joined with Senator HATCH in introducing the Senate legislation to reauthorize and improve the Runaway and Homeless Youth Act, and to extend the authorization of the Missing Children's Assistance Act. This bill follows in the footsteps of the recently enacted PROTECT Act legislation and presents another milestone in our efforts to safeguard all of our children.

In the 29 years since it became law, the Runaway and Homeless Youth Act has helped some of the most vulnerable children in our country. I have worked in the past to extend the program, most recently in the 106th Congress, when I cosponsored S. 249, the Missing, Exploited, and Runaway Children Protection Act, which extended the Act through this year. I am pleased to help extend it once again.

A Justice Department report released last year estimated that 1.7 million young people either ran away from or were thrown out of their homes in 1999 alone. Other studies have suggested an even higher number. This law and the programs it funds provide a safety net that helps give these young people a chance to build lives for themselves. It is slated to expire at the end of this fiscal year, and we should not allow that to happen.

In my State, both the Vermont Coalition for Runaway and Homeless Youth and Spectrum Youth and Family Services in Burlington receive grants under this law, and they have provided excellent services both to young people trying to build lives on their own and to those who are struggling on the streets. Reauthorizing this law will allow them to continue their enormously important work.

This bill would improve the law by extending the period during which older homeless youth can receive services under the Transitional Living Program, to ensure that all homeless youth can take advantage of services at least until they turn 18. The bill would also make permanent the Secretary of Health and Human Services' authority to make grants explicitly to help rural areas meet the unique stresses of providing services to runaway and homeless youth. Programs serving runaway and homeless youth have found that those in rural areas are particularly difficult to reach and serve effectively, and this bill recognizes that fact.

The improvements proposed in this bill to the Missing Children's Assistance Act build on provisions included in the PROTECT Act legislation that we enacted earlier this year. In that bill, we authorized National Center for Missing and Exploited Children, NCMEC, activities through 2005 and authorized the center to strengthen its CyberTipline to provide online users an effective means of reporting Internet-related child sexual exploitation in distribution of child pornography, online enticement of children for sexual acts, and child prostitution. This bill would extend NCMEC through 2008. Now more than ever, it is critical for Congress to give the Center the resources it needs in order to pursue its important work. A missing or abducted child is the worst nightmare of any parent or grandparent, and NCMEC has proved to be an invaluable resource in Federal, state, and local efforts to recover children who have disappeared.

Although this is a good bill on the whole, I am disappointed that it includes a provision that prohibits grantees from using any funds provided under this program for needle distribution programs. This is a superfluous provision that simply repeats what is already law. In addition, it is unnecessary because no grantee under this program operates needle exchange programs or has expressed interest in doing so. I ask Senator HATCH to leave it out of the Senate version of this bill, and was disappointed when he refused. The inclusion of this needless provision, however, does not change the fact that this is still a very good bill.

The Runaway and Homeless Youth Act programs have received tremendous bipartisan support over the years. The House passed this bill by a vote of 404-14, and the Senate bill passed by unanimous consent last Friday. I urge the Senate to pass H.R. 1925 and send it to the President today.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 1925) was read the third time and passed.

DEFENSE PRODUCTION REAUTHORIZATION ACT OF 2003

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1680, an original bill reported by the Banking Committee.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1680) to reauthorize the Defense Production Act of 1950, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. SHELBY. Mr. President, I rise today in support of passage of the Defense Production Reauthorization Act of 2003. This bill will reauthorize the Defense Production Act of 1950 for an additional 5 years.

Mr. President, the Defense Production Act of 1950 was originally passed in response to the outbreak of war on the Korean Peninsula. The U.S. defense industrial base that had provided the fighter planes, tanks and ships that were so crucial to the outcome of World War II had been largely scrapped following the end of that horrific conflict. The prevailing view, of course, was that such an industrial base was no longer needed in light of the defeat of Nazi Germany and Imperial Japan and the introduction into the American arsenal of atomic weapons.

As we learned literally within hours of the crossing of the 38th Parallel by the first North Korean Army units, that view was catastrophically wrong. The Defense Production Act was the recognition by the executive and legislative branches of Government that a large industrial base oriented toward national defense was still vital to our national security and that the usual process by which weapons and other equipment are procured would not suffice in a genuine crisis.

As in June 1950, the United States remains dependent upon the ability to respond to crises in a manner appropriate to the circumstances. That is where the Defense Production Act of 1950 continues to play a vital role in providing for the national defense. Its authorities allow the President to prioritize and reallocate contracts when the United States is confronted by an imminent threat to its well-being, and to respond to those threats after they've materialized. It provides the authority for the Department of Defense to go into factories that can not afford to maintain a critical capability due to insufficient demand and provide the means for that factory to continue to produce the required item. It indemnifies contractors against legal actions taken as result of U.S. Government directives issued under Defense Production Act authorities, as was needed during the first Persian Gulf War when Civil Air Reserve commercial aircraft were drafted into the war effort at the expense of their commercial obligations.

Over time, the Defense Production Act has been expanded to include natural disasters as well as man-made events like terrorist attacks, and disasters resulting from accidents and equipment failures that can result in large sections of the United States being blacked-out by a major utility failure. In short, it is an emergency capability that we keep in our back pocket and hope it is never needed.

But the Defense Production Act is routinely needed. I have alluded to the Transportation Security Administration's use of it in the wake of the terrorist attacks of September 11, 2001. It has also been used by the Department

of Defense in support of Operation Enduring Freedom in Afghanistan to procure vital military equipment like Predator UAVs and military satellite communications technology vital for the conduct of joint operations. And with the scale of contraction in the U.S. defense industrial base over the past decade, the act's authorities will remain as vital as ever for the foreseeable future.

In drafting reauthorizing legislation, it was the committee's intent to modernize the Defense Production Act to take into account the dramatic changes that occurred since the act's last update in 1994. The emergence of terrorism, evident in the U.S. Embassy bombings in East Africa, the attack on the USS Cole in the Gulf of Aden, and the tragic events of 9-11, as the central focus of U.S. national security planning has created an imperative that the Defense Production Act be adapted to that reality. That is why the Banking Committee-passed bill includes new findings and a declaration of policy: because the war on terrorism and the growth in scale of threat to the nation's critical infrastructure of telecommunications, transportation, energy, banking, and other sectors of society the security of which are vital to our national security and our economic and social well-being.

The committee-passed bill, in line with the recommendations of the President's Report to Congress on the Modernization of the Defense Production Act and the Report of the President's Commission on Critical Infrastructure Protection, included in its findings and declaration of policy this emphasis on the war on terrorism and critical infrastructure protection. In addition, language was added intended to further strengthen the linkage between critical infrastructure and the authorities provided by the Defense Production Act during committee consideration of this bill.

Unfortunately, this modernization of the act was more than the other chamber could swallow right now. That is why the ranking member of the Banking Committee, Senator SARBANES, and I will offer an amendment in the nature of a substitute. Because the Defense Production Act expires today, there would be no time for a protracted conference. Consequently, the Banking Committee and its House counterpart have agreed to a more modest update of the Act. The amendment by the ranking member and me does the following:

Reauthorizes the Defense Production Act for five years, as requested by the Defense Department;

Provides funding the department requested for hardening electronics against the effects of radiation;

Clarifies the President's authority to obtain information needed for the performance of assessments of the U.S. defense industrial base—a provision requested by the Department of Commerce; and

Formally incorporates the concept of critical infrastructure protection under Defense Production Act authorities by including it under the definition of "national defense."

Mr. President, I cannot emphasize enough the importance of the Senate passing the amendment in the nature of a substitute and then voting on final passage as soon as possible. The minute the Defense Production Act lapses, vital authorities for the conduct of military operations in Afghanistan and Iraq disappear. I urge my colleagues' support for the amendment and for final passage of the bill.

Mr. SARBANES. Mr. President, I rise in support of the Defense Production Act Reauthorization of 2003.

The Defense Production Act provides the President with important authorities to ensure the availability of industrial resources to meet national security needs and to deal with domestic civil emergencies. This is obviously a period in which the authorities of the DPA are being actively utilized. The DPA expires today, September 30. The Administration has made clear that the reauthorization of the DPA is a high priority.

The Committee on Banking, Housing, and Urban Affairs marked up and reported out this bill last week by unanimous consent. The House Financial Services Committee, our counterpart Committee, has also reported out a reauthorization of the DPA that is pending on the House floor. Both bills are essentially simple extensions of the DPA with minor changes requested by the Administration. The imminent expiration of the authorities of the DPA led the staff of the two committees to meet last week to reconcile the few differences between the two bills. That has been accomplished, and Senator SHELBY and I will shortly offer an amendment in the nature of a substitute reflecting that agreement.

Both bills contained provisions requested by the Administration to correct the industrial resource shortfall for radiation-hardened electronics, and to clarify the President's authority under the DPA to obtain information in order to perform industry studies assessing the capabilities of the United States industrial base to support the national defense.

The Senate bill also contained a provision sponsored by Senator Bennett, which makes explicit that the authorities of the DPA can be used to protect and restore critical infrastructure. This authority takes on a heightened sense of importance in the aftermath of 9/11, and is retained in the substitute amendment with the strong support of the Administration. The Senate bill provides for a 5 year authorization, as requested by the Administration, and the House bill provides for a 4 year authorization. Senator DODD has raised a concern about the need to address the issue of offsets, which falls under the authority of the DPA. As a result, the

substitute will provide for a 1 year authorization. This is essentially the package.

I would like to commend Chairman SHELBY and his staff for working cooperatively to bring this bill and the substitute amendment before the Senate today. I hope the Senate can act promptly to pass this legislation and send it over to the House. I believe the House will then be in a position to take up the Senate bill, pass it, and send it to the White House for the President's signature. That would ensure the continued availability of the important authorities of the Defense Production Act.

Mr. DODD. Mr. President, I thank the distinguished chairman of the Banking Committee for all his efforts to bring the reauthorization of the Defense Production Act to the floor. It is excellent legislation, and I support it wholeheartedly. I particularly want to express my appreciation for the agreement that was reached to reconsider this piece of legislation in 1 year. That will allow the Defense Production Act to continue uninterrupted, while also providing us with the opportunity to address the very grave concerns that are shared by many Senators about the issue of foreign offset arrangements over the next year.

According to the General Accounting Office and Department of Commerce, these arrangements serve no positive purpose. And yet, offsets are displacing 9,500 American workers annually. In 2000, the Commerce Department reports that out of \$5.6 billion exported by the U.S. aerospace and defense industries, \$5.1 billion was "offset" by these arrangements. In other words, offset arrangements imposed on contracts with American firms amounted to nearly 90 percent of their export value. And in the years 2002 and 2003, the total value of offsets are projected to be close to 100 percent of the value of those contracts—virtually eliminating any gains from U.S. exports of these goods.

Once again, I appreciate the willingness of the chairman and ranking member of the Banking Committee for agreeing to work with me on this issue as we assess additional reauthorization legislation for the Defense Production Act in the coming months.

Mr. SHELBY. Mr. President, I appreciate the words of the distinguished Senator from Connecticut and look forward to continuing work with my colleagues on these important issues concerning the needs of our military industrial base. The Defense Production Act is an important piece of legislation that provides vital authorities to the Departments of Defense, Homeland Security, Commerce, and Energy to prepare for and respond to crises. These provisions are particularly important during this time as the nation prosecutes its war on terror. The act's authorities allow government agencies to allocate contracts and re-prioritize contracts to meet emergency require-

ments. And it also provides authority to these agencies, especially the Defense Department, to work with private industry to ensure they have the industrial capabilities required to meet national security requirements that economics alone would otherwise allow to atrophy.

I am pleased the Senate will act on this legislation before it expires at midnight tonight. My hope is that it will be passed by the other body and signed into law by the President shortly.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the substitute amendment at the desk be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 1792) was agreed to, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Defense Production Act Reauthorization of 2003".

SEC. 2. REAUTHORIZATION OF DEFENSE PRODUCTION ACT OF 1950.

(a) IN GENERAL.—The 1st sentence of section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended—

(1) by striking "sections 708" and inserting "sections 707, 708,"; and

(2) by striking "September 30, 2003" and inserting "September 30, 2004".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 711(b) of the Defense Production Act of 1950 (50 U.S.C. App. 2161(b)) is amended by striking "through 2003" and inserting "through 2004".

SEC. 3. RESOURCE SHORTFALL FOR RADIATION-HARDENED ELECTRONICS.

(a) IN GENERAL.—Notwithstanding the limitation contained in section 303(a)(6)(C) of the Defense Production Act of 1950 (50 U.S.C. App. 2093(a)(6)(C)), the President may take actions under section 303 of the Defense Production Act of 1950 to correct the industrial resource shortfall for radiation-hardened electronics, to the extent that such Presidential actions do not cause the aggregate outstanding amount of all such actions to exceed \$200,000,000.

(b) REPORT BY THE SECRETARY.—Before the end of the 6-month period beginning on the date of the enactment of this Act, the Secretary of Defense shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives describing—

(1) the current state of the domestic industrial base for radiation-hardened electronics;

(2) the projected requirements of the Department of Defense for radiation-hardened electronics;

(3) the intentions of the Department of Defense for the industrial base for radiation-hardened electronics; and

(4) the plans of the Department of Defense for use of providers of radiation-hardened electronics beyond the providers with which the Department had entered into contractual arrangements under the authority of the Defense Production Act of 1950, as of the date of the enactment of this Act.

SEC. 4. CLARIFICATION OF PRESIDENTIAL AUTHORITY.

Subsection (a) of section 705 of the Defense Production Act of 1950 (50 U.S.C. App. 2155(a))

is amended by inserting after the end of the 1st sentence the following new sentence: "The authority of the President under this section includes the authority to obtain information in order to perform industry studies assessing the capabilities of the United States industrial base to support the national defense."

SEC. 5. CRITICAL INFRASTRUCTURE PROTECTION AND RESTORATION.

Section 702 of the Defense Production Act of 1950 (50 U.S.C. App. 2152) is amended—

(1) by redesignating paragraphs (3) through (17) as paragraphs (4) through (18), respectively;

(2) by inserting after paragraph (2) the following new paragraph:

"(3) CRITICAL INFRASTRUCTURE.—The term 'critical infrastructure' means any systems and assets, whether physical or cyber-based, so vital to the United States that the degradation or destruction of such systems and assets would have a debilitating impact on national security, including, but not limited to, national economic security and national public health or safety."; and

(3) in paragraph (14) (as so redesignated by paragraph (1) of this section), by inserting "and critical infrastructure protection and restoration" before the period at the end of the last sentence.

SEC. 6. REPORT ON CONTRACTING WITH MINORITY- AND WOMEN-OWNED BUSINESSES.

(a) REPORT REQUIRED.—Before the end of the 1-year period beginning on the date of the enactment of this Act, the Secretary of Defense shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the extent to which contracts entered into during the fiscal year ending before the end of such 1-year period under the Defense Production Act of 1950 have been contracts with minority- and women-owned businesses.

(b) CONTENTS OF REPORT.—The report submitted under subsection (a) shall include the following:

(1) The types of goods and services obtained under contracts with minority- and women-owned businesses under the Defense Production Act of 1950 in the fiscal year covered in the report.

(2) The dollar amounts of such contracts.

(3) The ethnicity of the majority owners of such minority- and women-owned businesses.

(4) A description of the types of barriers in the contracting process, such as requirements for security clearances, that limit contracting opportunities for minority- and women-owned businesses, together with such recommendations for legislative or administrative action as the Secretary of Defense may determine to be appropriate for increasing opportunities for contracting with minority- and women-owned businesses and removing barriers to such increased participation.

(c) DEFINITIONS.—For purposes of this section, the terms "women-owned business" and "minority-owned business" have the meanings given such terms in section 21A(r) of the Federal Home Loan Bank Act, and the term "minority" has the meaning given such term in section 1204(c)(3) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

The bill (S. 1680), as amended, was read the third time and passed.

EXTENDING TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT PROGRAM

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3146, which is at the desk. The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3146) to extend the Temporary Assistance for Needy Families block grant program and certain tax and trade programs, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. GRASSLEY. Mr. President, I thank the majority leader for his work on the extension for the Temporary Assistance for Needy Families program. Unfortunately, this program has had to be extended several times while the Senate finance Committee worked to complete a very ambitious agenda.

Happily, though, the Senate finance Committee was able to report a welfare reauthorization bill on September 10, 2003. I plan to file the committee bill shortly. It is critical that the Senate act swiftly to complete action on this legislation. This program has languished, unauthorized, for a year. States need to make plans to adjust to the new provisions. Recipients need some assurances that the program will continue.

It was my preference that Senate action on the welfare bill take place this fall, but I understand that the time frame for adjournment is fluid and this impacts what the Leader is able to bring to the floor. Additionally, I would have preferred a shorter extension, in order to keep the process moving forward. I do not want to send the signal that since we are passing a 6-month extension, this means that there will be no action on this legislation until March next year. If that should occur, we would find ourselves in the position of having to seek yet another extension. This is a situation which can only be avoided, in my view, by prompt action on this legislation.

I understand why the majority leader wants a 6-month extension because I recognize that it is nearly impossible to envision a scenario in which the Senate passes a bill, the House and Senate have a conference, a conference report is drafted and filed and the measure goes back to both houses for a

final vote, prior to a possible adjournment date in late November. But if it becomes at all possible for the Senate to act on the legislation in what remains of this session, leaving conference committee consideration for early next year, we should certainly do that.

It is my intention, if a window of opportunity does open up before we adjourn for the year, to work with the Leadership to bring this legislation up for consideration. In the event that such a window of opportunity does not open up in what remains of this session, I am confident that this bill will be among the first pieces of legislation brought up for consideration as soon as we reconvene next year.

MONTANA'S WELFARE WAIVER

Mr. BAUCUS. Mr. President, as we have worked over the last 2 years to reauthorize the 1996 landmark welfare reform law, I have often talked with pride about the welfare reform program in my own State of Montana. Montana was a welfare reform pioneer, embarking on reform under a waiver before 1996. We have continued to operate a program under that waiver and it has served us well.

The number of Montana families receiving monthly welfare checks is down sharply since the early 1990s. Under the waiver program, Montana achieved a participation rate of 84 percent in fiscal year 2002, despite a struggling economy. Montana is a regular recipient of "high performance" bonus awards, especially for the key criteria of moving welfare recipients quickly into jobs. An independent study by Abt Associates concluded that under Montana's program "a Work First model has been implemented effectively in varied rural settings, including Indian reservations and remote areas" and that it reflects an "efficient and successful" strategy. In other words, we're on the right track.

However, the waiver expires on December 31. We would like it extended. Given our track record, we think it is only common sense to continue a successful model. Others, unfortunately, have opposed such an extension. It is an issue we expect to be debated during consideration of the full 5 year reauthorization bill.

As we extend the Temporary Assistance for Needy Families, or TANF, program for 6 months, I want to confirm with the distinguished chairman of the

Finance Committee, that he is willing to work with me to ensure that the welfare reauthorization bill allows Montana to maintain the successful direction of the program it has operated under its waiver. Given his efforts to work in a bipartisan manner, I am optimistic we will be able to reach an understanding on these policies.

Mr. GRASSLEY. Mr. President, I understand the concerns of the Senator from Montana, and look forward to continuing to work with him to reauthorize the TANF program in the coming months. I appreciate his concern for the need for Montana to pursue welfare policies it believe make sense in that State. I agree that we will discuss these and other issues as we reauthorize the TANF program and am also optimistic we will be able to reach an understanding on these policies.

Mr. President, current law penalizes rural and small urban facilities by paying them 1.6 percent less on every inpatient discharge than their counterparts in urban areas of a million or more people. This is one reason for MedPAC's finding that Medicare inpatient profit margins are substantially worse for rural and small urban facilities than for those located in large urban areas.

The provision raises the inpatient base rate for hospitals in rural and small urban areas to the same rate as that in large urban areas from October 1, 2003 through March 31, 2004. Every State except Rhode Island has rural or small urban hospitals, so 49 States will benefit from this provision.

The fiscal year 2003 omnibus Appropriations bill included a 6-month version of this policy. The policy ends on September 30, 2003. A permanent version of this policy was included in the Senate- and House-passed prescription drug bills this summer. MedPAC has endorsed a permanent version of this policy in its 2003 recommendations.

The cost of the provision is \$300 million, for the 6-month period beginning October 1, 2003 and ending March 31, 2004, according to preliminary scores from CBO.

I ask unanimous consent to print in the RECORD the preliminary CBO estimates.

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

PRELIMINARY CBO ESTIMATE OF THE FEDERAL BUDGET EFFECTS OF H.R. 3146—BASED ON DRAFT LEGISLATIVE LANGUAGE, THOMAS.068, DATED SEPTEMBER 29, 2003 (11:22 AM)—ESTIMATED USING CBO MARCH 2003 BASELINE

[By fiscal year, in millions of dollars]

	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2004-2008	2004-2013
CHANGES IN DIRECT SPENDING												
Title I: Family assistance Provisions												
Fund Supplemental Grants for 2 quarters:												
Budget Authority	191	0	0	0	0	0	0	0	0	0	191	191
Outlays	96	38	19	19	19	0	0	0	0	0	191	191
Increase Transfer Authority to 10 percent for 2 quarters:												
Budget Authority	0	0	0	0	0	0	0	0	0	0	0	0
Outlays	77	-14	-28	-15	-15	-5	0	0	0	0	5	0
Extend TMA through March 2004:												
Budget Authority	86	135	19	4	0	-1	0	0	0	-1	244	242
Outlays	83	130	20	5	0	0	0	1	0	0	238	239

PRELIMINARY CBO ESTIMATE OF THE FEDERAL BUDGET EFFECTS OF H.R. 3146—BASED ON DRAFT LEGISLATIVE LANGUAGE, THOMAS.068, DATED SEPTEMBER 29, 2003 (11:22 AM)—ESTIMATED USING CBO MARCH 2003 BASELINE—Continued

[By fiscal year, in millions of dollars]

	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2004–2008	2004–2013
Extend Abstinence Education Grants for 2 quarters:												
Budget Authority	25	0	0	0	0	0	0	0	0	0	25	25
Outlays	7	9	3	2	1	0	0	0	0	0	22	22
Extend TANF Research Funding for 2 quarters:												
Budget Authority	8	0	0	0	0	0	0	0	0	0	8	8
Outlays	1	3	4	0	0	0	0	0	0	0	8	8
Extend Child Welfare Research Funding for 2 quarters:												
Budget Authority	3	0	0	0	0	0	0	0	0	0	3	3
Outlays	(1)	1	2	0	0	0	0	0	0	0	3	3
Subtotal Title I:												
Budget Authority	313	135	19	4	0	-1	0	0	0	-1	471	469
Outlays	264	167	20	11	5	-5	0	1	0	0	467	463
Title III: Trade Provisions												
Extend Custom User Fees through March 2004:												
Budget Authority	-698	0	0	0	0	0	0	0	0	0	-698	-698
Outlays	-698	0	0	0	0	0	0	0	0	0	-698	-698
Title IV: Medicare Cost-Sharing Provisions												
Extend Medicare Cost-Sharing through March 2004:												
Budget Authority	42	0	0	0	0	0	0	0	0	0	42	42
Outlays	42	0	0	0	0	0	0	0	0	0	42	42
Extend Inpatient Hospital SPA Equalization through March 2004:												
Budget Authority	292	0	0	0	0	0	0	0	0	0	292	292
Outlays	292	0	0	0	0	0	0	0	0	0	292	292
Subtotal Title IV:												
Budget Authority	334	0	0	0	0	0	0	0	0	0	334	334
Outlays	334	0	0	0	0	0	0	0	0	0	334	334
Total Direct Spending:												
Budget Authority	-51	135	19	4	0	-1	0	0	0	-1	107	105
Outlays	-100	167	20	11	5	-5	0	1	0	0	103	99
CHANGES IN REVENUE												
Title II: Tax Provisions												
Net Effect on Deficit/Surplus	-133	159	20	11	5	-5	0	1	0	0	62	58

Notes: TANF=Temporary Assistance for Needy Families. TMA=Transitional Medical Assistance. SPA=Standardized Payment Amount.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the amendment that is at the desk be agreed to; that the bill, as amended, be read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 1793) was agreed to, as follows:

(Purpose: 6-month extension of provision equalizing urban and rural standardized payment amounts under Medicare Inpatient Hospital Prospective Payment System)

At the end of title IV, insert:

SEC. ____ . EXTENSION OF PROVISION EQUALIZING URBAN AND RURAL STANDARDIZED MEDICARE INPATIENT HOSPITAL PAYMENTS.

(a) IN GENERAL.—Paragraphs (1) and (2) of section 402(b) of the Miscellaneous Appropriations Act, 2003 (Public Law 108-7; 117 Stat. 548) are each amended by striking “September 30, 2003” and inserting “March 31, 2004”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by subsection (a) shall take effect as if included in the enactment of the Miscellaneous Appropriations Act, 2003.

(2) AUTHORITY TO DELAY IMPLEMENTATION.—

(A) IN GENERAL.—If the Secretary of Health and Human Services (in this subsection referred to as the “Secretary”) determines that it is not administratively feasible to implement the amendments made by subsection (a), notwithstanding such amendments and in order to comply with Congressional intent, the Secretary may delay the implementation of such amendments until such time as the Secretary determines to be appropriate, but in no case later than November 1, 2003.

(B) TEMPORARY ADJUSTMENT FOR REMAINDER OF FISCAL YEAR 2004 TO EFFECT FULL RATE CHANGE.—If the Secretary delays implement-

ation of the amendments made by subsection (a) under subparagraph (A), the Secretary shall make such adjustment to the amount of payments affected by such delay, for the portion of fiscal year 2004 after the date of the delayed implementation, in such manner as the Secretary estimates will ensure that the total payments for inpatient hospital services so affected with respect to such fiscal year is the same as would have been made if this paragraph had not been enacted.

(C) NO EFFECT ON PAYMENTS FOR SUBSEQUENT PAYMENT PERIODS.—The application of subparagraphs (A) and (B) shall not affect payment rates and shall not be taken into account in calculating payment amounts for services furnished for periods after September 30, 2004.

(D) ADMINISTRATION OF PROVISIONS.—

(i) NO RULEMAKING OR NOTICE REQUIRED.—The Secretary may carry out the authority under this paragraph by program memorandum or otherwise and is not required to prescribe regulations or to provide notice in the Federal Register in order to carry out such authority.

(ii) LIMITATION ON REVIEW.—There shall be no administrative or judicial review under section 1869 or 1878 of the Social Security Act (42 U.S.C. 1395ff and 1395oo), or otherwise of any delay or determination made by the Secretary under this paragraph or the application of the payment rates determined under this paragraph.

The bill (H.R. 3146), as amended, was read the third time and passed.

CONSUMER PRODUCT SAFETY COMMISSION REAUTHORIZATION ACT OF 2003

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 252, S. 1261.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1261) to reauthorize the Consumer Product Safety Commission, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 1261

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 “Consumer Product Safety Commission Reauthorization Act of 2003”.]

[SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

[Section 32(a) of the Consumer Product Safety Act (15 U.S.C. 2081(a)) is amended by striking paragraphs (1) and (2) and inserting the following:

- ["(1) \$60,000,000 for fiscal year 2004;
- ["(2) \$66,800,000 for fiscal year 2005;
- ["(3) \$70,100,000 for fiscal year 2006; and
- ["(4) \$73,600,000 for fiscal year 2007.”.]

[SEC. 3. FTE STAFFING LEVELS.

[Section 4(g) of the Consumer Product Safety Act (15 U.S.C. 2053(g)) is amended by adding at the end the following:

- ["(5) The Commission is authorized to hire and maintain a full time equivalent staff of 471 persons in each of fiscal years 2004 through 2007.”.]

[SEC. 4. EXECUTIVE DIRECTOR AND OFFICERS.

[So much of section 4(g) of the Consumer Product Safety Act (15 U.S.C. 2053(g)) as precedes paragraph (2) is amended to read as follows:

- ["(g) EXECUTIVE DIRECTOR; OFFICERS AND EMPLOYEES.—(1)(A) The Chairman, subject to the approval of the Commission, shall appoint as officers of the Commission an Executive Director, a General Counsel, an Associate Executive Director for Engineering Sciences, an Associate Executive Director

for Laboratory Sciences, an Associate Executive Director for Epidemiology, an Associate Executive Director for Health Sciences, an Assistant Executive Director for Compliance, an Associate Executive Director for Economic Analysis, an Associate Executive Director for Administration, an Associate Executive Director for Field Operations, an Assistant Executive Director for Office of Hazard Identification and Reduction, an Assistant Executive Director for Information Services, and a Director for Office of Information and Public Affairs. Any other individual appointed to a position designated as an Assistant or Associate Executive Director shall be appointed by the Chairman, subject to the approval of the Commission. The Chairman may only appoint an attorney to the position of Assistant Executive Director for Compliance, but this restriction does not apply to the position of Acting Assistant Executive Director for Compliance.”.]

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SEC. 3. FTE STAFFING LEVELS.

Section 4(g) of the Consumer Product Safety Act (15 U.S.C. 2053(g)) is amended by adding at the end the following:

“(5) The Commission is authorized to hire and maintain a full time equivalent staff of 471 persons in each of fiscal years 2004 through 2007.”.

SEC. 4. EXECUTIVE DIRECTOR AND OFFICERS.

So much of section 4(g) of the Consumer Product Safety Act (15 U.S.C. 2053(g)(1)) as precedes subparagraph (B) is amended to read as follows:

“(g) EXECUTIVE DIRECTOR; OFFICERS AND EMPLOYEES.—(1)(A) The Chairman, subject to the approval of the Commission, shall appoint as officers of the Commission an Executive Director, a General Counsel, an Associate Executive Director for Engineering Sciences, an Associate Executive Director for Laboratory Sciences, an Associate Executive Director for Epidemiology, an Associate Executive Director for Health Sciences, an Assistant Executive Director for Compliance, an Associate Executive Director for Economic Analysis, an Associate Executive Director for Administration, an Associate Executive Director for Field Operations, an Assistant Executive Director for Office of hazard Identification and Reduction, an Assistant Executive Director for Information Services, and a Director for Office of Information and Public Affairs. Any other individual appointed to a position designated as an Assistant or Associate Executive Director shall be appointed by the Chairman, subject to the approval of the Commission. The Chairman may only appoint an attorney to the position of Assistant Executive Director for Compliance, but this restriction does not apply to the position of Acting Assistant Executive Director for Compliance.”.

SEC. 5. SUBSTANTIAL PRODUCT HAZARD RECALLS.

Section 15 of the Consumer Product Safety Act (15 U.S.C. 2064) is amended by adding at the end the following:

“(i) COMMISSION-FINANCED RECALLS.—

“(1) IN GENERAL.—The Commission may take the actions otherwise required of a manufacturer, retailer, or distributor under subsection (c)(1), (2), and (3) with respect to a product if the Commission—

“(A) staff makes a preliminary hazard determination that a product presents a substantial product hazard classified as a Class A or B

product hazard (as defined in the Commission’s Recall Handbook) or the Commission makes a substantial product hazard determination classified as a Class A or B product hazard (as defined in the Commission’s Recall Handbook) with respect to such a product; and

“(B) finds that—

“(i) notification of the hazard is in the public interest; and

“(ii) the manufacturer, retailer, or distributor is financially unable to provide adequate notification.

“(2) IMPLEMENTING REGULATIONS.—Not more than 120 days after the date of enactment of the Consumer Product Safety Commission Reauthorization Act of 2003, the Commission shall prescribe regulations to implement paragraph (1). In promulgating such regulations, the Commission shall establish strict standards for ensuring that Commission funding is expended only on the product recall notifications of manufacturers, retailers, or distributors that are financially unable to effect adequate notifications required by this section.

“(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission for each fiscal year \$2,000,000 to carry out this subsection.”.

SEC. 6. INCREASE IN CIVIL PENALTIES.

Section 20(a)(1) of the Consumer Product Safety Act (15 U.S.C. 2069(a)(1)) is amended by striking “\$1,250,000” each place it appears and inserting “\$20,000,000”.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed to; that the bill, as amended, be read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD.

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

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1261), as amended, was read the third time and passed.

ORDERS FOR WEDNESDAY, OCTOBER 1, 2003

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, October 1. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period for morning business until 10:30 a.m., with the first half of the time under the control of the minority leader or his designee, and the second half of the time under the control of Senator HUTCHISON or her designee; provided further, that at 10:30 a.m., the Senate begin consideration of the supplemental appropriations bill for Iraq and Afghanistan, as under the previous order, with the time under the control of the two leaders or their designees.

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

PROGRAM

Mr. MCCONNELL. Mr. President, for the information of all Senators, tomor-

row morning, following morning business, the Senate will begin consideration of the Iraq supplemental appropriations bill. Amendments are possible as early as 12:30 p.m. Therefore, rollcall votes are expected throughout the day. As always, Senators will be notified when the first vote is expected.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, before the distinguished Senator asks that the Senate be closed, I was thinking that the Senate is a great institution. To think we are at the point we are tonight, with peace and quiet in the Senate, after having faced lots of procedural problems, the two leaders are to be commended for having arrived at the point where we can civilly approach this most important legislation and have amendments offered. It is going to be good for the Senate and good for the American people.

Mr. MCCONNELL. Mr. President, I thank the assistant Democratic leader for his role in helping us get to the place where we arrived today. I, too, share his optimism that we will be able to move forward on this very important legislation this week and then wrap it up the week after the recess.

AUTHORITY TO SIGN DULY ENROLLED BILLS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that until the Senate reconvenes tomorrow, it be in order for the majority leader, the assistant majority leader, or the junior Senator from Missouri to sign duly enrolled bills.

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

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:43 p.m., adjourned until Wednesday, October 1, 2003, at 9:30 a.m.

NOMINATIONS

Executive nomination received by the Senate September 30, 2003:

UNITED STATES SENTENCING COMMISSION

WILLIAM K. SESSIONS III, OF VERMONT, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR A TERM EXPIRING OCTOBER 31, 2009. (REAPPOINTMENT)

CONFIRMATIONS

Executive nominations confirmed by the Senate September 30, 2003:

THE JUDICIARY

MARCIA A. CRONE, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TEXAS.
RONALD A. WHITE, OF OKLAHOMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF OKLAHOMA.