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Senate

The Senate met at 12 noon and was called to order by the President pro tempore (Mr. STEVENS).

The PRESIDENT pro tempore. Once again, today's prayer will be offered by the guest Chaplain, Rev. Campbell Gillon of Georgetown Presbyterian Church.

PRAYER

The guest Chaplain offered the following prayer:

Lord God, in a world where power usually rules by subjection and oppression, we stand before Thee whose rule, if lovingly accepted, raises us to a new freedom of living and spirit of hope.

We remember the story of Moses giving the Pharaoh Thy word, which was not just a plea for freedom—"Let my people go!", but "Let my people go that they may worship Me, serve Me!"—freedom for a purpose.

Teach us, O God, that when freedom is made an end in itself, and not the means to a greater end, it easily degenerates into license and self pleasing. The finale is not freedom, but community destroyed and people self-enslaved.

Lord, we know that those Israelites, when freed, were given by Thee in the wilderness a purpose—to live by those basic commandments, rules for peace and harmony. These we neglect at our peril. For if no divine nature, name, and day is shown reverence and there is not respect for parents, life, relationships, property, and truth, then a society disintegrates from within, since there is no reverence and respect for anything but the solitary self.

Lord God, unless Thou build humanity's house, those who try labor in vain. Unless Thou guard a civilization's city, its protectors are caught napping. So, grant grace to this elected body of Senators, leaders in this superpower, that they may be led to use aright our freedom's dear-bought opportunities, aware of ends beyond the material and the visions that make life noble. This

we ask in the name of love revealed. Amen.

PLEDGE OF ALLEGIANCE

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

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today the Senate will be in a period of morning business until 1 p.m. At 1 o'clock, the Senate will then resume consideration of S. 14, the Energy bill. The chairman and the ranking member will be here and will be prepared for Members to come forward with their amendments over the course of today. This is an important piece of legislation that will enhance the energy security of this Nation. I expect that the Senate will make substantial progress on this important bill this week.

As I announced previously, no roll-call votes will occur during today's session. However, Members will be able to offer amendments. I encourage them to do so. Any votes ordered on those amendments will be scheduled to occur during tomorrow's session.

Also this week the Senate will need to address the Defense authorization bill that will be received from the House shortly. Prior to the recess, we finished action on the Senate bill; however, we still need to dispose of a few remaining amendments prior to going to conference with the House. That should take only a couple of hours. We will likely consider that bill one night this week after we spend the day on the

consideration of the Energy bill. I will keep my colleagues advised as to what evening that will be.

In addition, we have continued to try to reach agreements on the FAA reauthorization and the State Department reauthorization bills. At some point we will have to proceed to those matters even if we are unable to reach a consent agreement for their consideration.

I should also mention there are a number of Executive Calendar nominations that have been pending for a long period of time. Oftentimes these nominations get caught up in other issues. Again, at some point, I will proceed to the consideration of those nominations that have been pending for a while. If Members want to debate a particular nominee, they will need to come to the Senate floor to do so.

In addition to the items I just mentioned, we have a number of other important issues to address, one of which is prescription drug benefits and strengthening and improving our Medicare Program for 35 million seniors and a million individuals with disabilities. I have stated for a number of weeks—in fact, for the last couple of months—that we will be addressing this particular issue, an issue that is important to the American people, both those who are seniors now, those soon to be seniors, and future generations, and we will be addressing that this month. Much of that activity begins in the Finance Committee this week—in fact, today there are discussions going on—and each and every day from now until we bring it to the floor. We plan on bringing that to the floor in 2 weeks.

Having said that, I look forward to a busy and productive legislative period prior to the next scheduled adjournment. A number of people are coming back into town today after a period of a week being primarily at their homes with their constituencies across the United States of America. We are hoping right into the Energy bill today

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



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and through this week, followed by a number of issues this week. We will begin the appropriations process very quickly and spend a focused period of time on prescription drugs and strengthening and improving Medicare.

I yield the floor.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business until the hour of 1 p.m. with the time equally divided between the two leaders or their designees.

The Senator from Wyoming.

ENERGY

Mr. THOMAS. Mr. President, although it is morning business, I will talk about the energy policy we will be considering later today and for the rest of the week. I am delighted we are going to work on that. We have been working on an energy policy for some time. We worked on it last year and passed it in the Senate and the House. Unfortunately, the system we used did not produce results and did not go through the committees; therefore, we had problems when we got to the conference committee.

This year, we are back again and more committed to complete our work than we were last year. We should be. When we think about life, work, and the economy, what is more important than energy? Whatever we are doing, wherever we are, whether we are driving, riding, reading, cooking, energy is consumed. It is certainly something we need to think about, how it affects our lives and what impact we can have on energy.

What we are talking about is an energy policy. It is important to remember that. We are not talking about an issue that needs to be resolved, a part of the energy issue that needs to be resolved this week or this month. We are talking about an energy policy. As we talk about it, I am hopeful we can try to see a vision of where we want to be in the future, what is necessary to be successful in the future, and that we can set this policy in terms of what we need to do 10 or 15 years from now. As we move toward that and make immediate decisions we can gauge whether or not these decisions are useful in achieving the goals we have set for ourselves. I think it is very important that we take a look at all the aspects of energy. We have gotten ourselves into a position where we have to rely about 60 percent on imports of oil from an area in the world that is very unsettled. So I think it is important that we take a look at conservation, that we

look at alternatives, that we look at research, that we look at domestic production, so we can find a policy for the future.

As you will recall, one of the first things President Bush and Vice President CHENEY moved toward when they came into office was to set an energy policy, to begin to look ahead at what we need to be doing. They still, of course, are very involved in that.

To achieve the kind of lifestyle we want in the 21st century, we have to have reliable energy and a clean environment. These two needs are not necessarily conflicting. We have to deal with them so they do fit together. They can.

We need to modernize conservation. We obviously use more energy than is necessary. Sometimes we could make those changes just by our use. We can make changes by using different kinds of equipment.

We need to modernize our infrastructure. Energy production has changed over the years, whether it is gas that is produced in the West and the markets are in the Midwest or in the East, where you have to have a way to get it there. We see more and more energy produced by merchant generators, ready for markets a good ways away from the generator, where you have to have transmission.

We have to increase our supplies. We are going to be using more and more energy, of course. That includes renewables. Excluding hydro, now renewables only amount to about 3 percent of our total energy use. That is not very much. There are great opportunities to do more.

As we do it, we need to upgrade and increase our improvements for the protection of the environment.

Of course, the thing that has become much more apparent to us lately is the need for security. So as we talk about energy, we have to look at security. We have to achieve energy independence for our economy. Certainly we will feel much more comfortable if we are less reliant on importing what we use. Oil and fossil fuels produce about 85 percent of the energy used in the United States. As I said, if you include hydro, then renewables get up to about 7 percent, but it is still a relatively small amount. There is more we can do about that.

We have needed a policy. I come from a State that is sort of a foundation for much of the energy we use, particularly fossil fuels, gas and coal. Wyoming is a place where there is a great deal of that. We are third in the Nation in coal reserves. We provide 14 percent of U.S. coal. We rank seventh in oil production. We have reserves as well for oil and gas. So we have to do some things a little differently than we have.

For instance, coal is our largest resource of fossil fuel. If we are going to use it increasingly, as I think we should, particularly for the generation of electricity, then we need to continue to work to make it clean. We need to

have clean air. We need to have clear skies. We can produce cleaner-burning coal or in some instances we are looking at ways where perhaps you take coal and produce hydrogen. That makes it a little easier to transport. It makes it cleaner. Those are things we have to look forward to, and that we can do.

Regarding the carbon that escapes into the air, we are looking at ways of carbon sequestration, putting it back in the ground. We can do that. But we have to have more experiments; we have to have more research. We have to have goals as to where we are going.

In terms of infrastructure, I mentioned if you are going to move electricity, you have to have transmission. I understand that often transmission is not what people like to have in their backyards. Nevertheless, it has to be there. We had a good example of the problems with that in California a couple of years ago, where you knew the demand was there, the supply was somewhere else, and you had to get it to the market.

As I mentioned, our attempt last year to move into some of these areas did not succeed. We did not go through the process as we have this year. We have had hearings. We have had committees. I thank Senator DOMENICI for keeping us on the right track to do that.

So what kind of policy? We need to have some fuel diversity. We need to have different kinds of fuel. We are looking at hydrogen; I suppose we are looking at solar; we are looking at wind power. Many of those are available but, frankly, they are not economical at this time. We have to do that. We have to strike a balance, as we move forward, with the environment.

So there is much that can in fact be done. In this energy policy we will be considering, we have a title on coal. That is mostly to do some experiments on how that can be used cleaner or how it can be transformed. We are going to do something with Indian energy so the reservations can produce more energy than they have in the past.

Some people kind of freeze up when you talk about nuclear energy. The fact of the matter is, in some States, 30 percent of their electricity currently is generated by nuclear. It is probably the cleanest fuel we have. We have to work on the storage of the waste from nuclear, of course.

We have great opportunities to do some things with renewable energy. I think we need to be a little careful in setting mandates that we are going to be at a certain place at a certain time because that can turn out to be very expensive and difficult.

Regarding fuel efficiency, we can work on that in cars or whatever, and make them much more efficient than we have now.

I mentioned hydrogen. The President indicated he thinks hydrogen is one of our best opportunities for a movement

of alternative fuels. He has put money in his budget for hydrogen work.

I am very hopeful that we do commit ourselves to coming up with some solutions with regard to energy policy. I am a little concerned it is sort of on the base here and we will be moving off to other matters. I hope in this 2-week period this becomes our highest priority, that we continue to stick with it until we have accomplished the goal we set out to accomplish, and that is to have an energy policy for the Senate.

Second, I hope it can be a policy, not a great number of details, but a view in the future as to where we are going to be, and then do the things that are necessary for us to get there.

I am delighted we are going to be moving forward in this area.

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

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MEDIA OWNERSHIP

Mr. DORGAN. Mr. President, this morning the Federal Communications Commission made some decisions I think were wrong-headed and counterproductive for this country. I would like to describe them just for a moment.

The Federal Communications Commission, by a vote of 3 to 2, decided to change in a dramatic way the ownership rules with respect to broadcast stations and newspapers around this country—radio, television, newspapers. Let me describe where we may end up as a result of the FCC decisions.

As a result of what the FCC has decided today, it is likely that in the largest markets of our country, the same company will own the newspaper, three television stations, the cable company, and eight radio stations.

I can't think of anything more destructive to the interests of localism and to the interests of diversity, both of which are hallmarks of what we aspire to have in American broadcasting, and the free flow of information and diversity of information in this democracy of ours.

I don't understand why the FCC made this decision. The majority of the members of the Senate Commerce Committee signed a letter asking the FCC to delay and provide their recommendations to us first so we could perhaps have a hearing and discuss it with them. But they didn't do that. The first anyone knew of the specific recommendations was this morning at about 10 o'clock. There were somewhere close to 500,000 communications from the American people to the FCC saying don't do this. Instead, the FCC took this action. They say they took

this action because there are more voices, there are more outlets and more diversity; therefore, the old rules with respect to ownership are outmoded and old-fashioned.

That is simply not the case. Ninety percent of the top 50 cable stations are owned by the top handful of the broadcasters. Twenty-five of the top Internet sites are owned by the same companies. In terms of diversity of thought in terms of where you get your news, it all comes from the same source—many voices, one ventriloquist.

Is that in the public interest? In my judgment, the answer is no. The FCC held only one hearing in Richmond, VA, and the rest of their work was done largely in secret.

There is a history to some of this. The FCC today said that one ownership group should be able to broadcast to 45 percent of the Nation's audience. It is actually going to be much more than that because they have a rule that counts UHF stations and only 50 percent of the stations.

It is a complex system. But it is 45 percent of the national audience. It used to be 25 percent. In 1996, a piece of legislation—the Telecommunications Act—came to the floor of the Senate taking that 25 percent to 35 percent. I offered an amendment at that point to restore the 25-percent limit; take the 35 percent out of the bill and restore the 25-percent limit. We had a vote. The proponent on the other side in support of the 35 percent was Senator Dole from Kansas, a pretty aggressive competitor, as a matter of fact. We had a vote and I won. I was dumbfounded. I had no idea I would win. But I won by, I think, three or four votes. That was about 4 in the afternoon when we considered the act in 1996.

On that same day, at about 7:30 in the evening, we had another vote because Senator Dole was cagey enough to have another Senator change his vote, and then we came back after dinner and had a vote on reconsideration. Apparently, three, four, or five Senators had some sort of epiphany over dinner. I lost. I have no idea what they had for dinner, or who talked to them, or how far their arms were bent. But I won that vote for about 4 hours, and then I lost.

The result has been that for 7 years we have had a 35-percent ownership cap with respect to a broadcasting company broadcasting television signals across the country, providing that there is a limit on broadcast stations—that you can't go over 35 percent of the national audience.

Now the FCC this morning said they are taking that to 45 percent. They are eliminating the ban on cross-ownership between newspapers and television stations. This weekend one of the large newspaper chains was reported in a story that I saw to have said, Look, we intend to buy a television station in every city in which we have a newspaper. We intend to do that.

I don't doubt it.

Another story which I read this weekend talked about the plan of one of the large broadcasting enterprises and all the deals they had lined up anticipating the FCC was going to do what they wanted them to do. They have deal after deal. They are going to start. There will be an orgy of concentration and mergers that start almost immediately.

What I would like to say to all of those who are now celebrating the FCC's decision today is that Congress will have another bite at this. There are many ways to do it.

No. 1, we have a Congressional Review Act which is a form of legislative veto dealing with rules that we don't like. It has been used rarely. But I think it should be used in this circumstance; it would provide a vote here in the Congress, up or down, on this rule.

There are other approaches. Several of my colleagues—the Presiding Officer is one—have introduced legislation restoring the 35-percent cap. That is a bipartisan piece of legislation cosponsored by Republicans and Democrats in the Senate. Of course, there is always the timeline tradition of, if everything else fails, attempting to legislate on an appropriations bill.

But my point is this: I don't think the FCC decision this morning should be considered the last and definitive word. My own personal view is that I hope we will attempt a form of "legislative veto" which is provided for in law. But there will be attempts to overturn much of this decision.

It makes no sense to me that we will have decided through a regulatory agency not to do effective regulation on behalf of the American public, and to say, oh, by the way, concentration is not a bad thing. Let us just allow in one big American city the same company to buy the cable company, buy three TV stations, eight radio stations, buy up the cable system, and buy the newspaper. It makes no sense to me that a Federal regulatory body ought to do that.

I very much regret what the FCC did this morning. In the review mirror, this will be seen as a terrible decision that marches this country backward and not forward, and one that will well satisfy those who have billions at stake because they have lobbied very hard to have this kind of decision come from the FCC but one, in my judgment, which will detract from the interest of localism. Those big enterprises win and American communities lose. Who is going to broadcast basketball games? Who is going to broadcast the local baseball games?

The fact is, we have had some experience with concentration in the media in recent years—since 1996—and it isn't working. We are destroying localism and destroying diversity. I think this Congress needs to weigh in now and deal with the FCC.

ENERGY POLICY

Mr. DORGAN. Mr. President, I would like to make a comment finally on the Energy bill which my colleague from Wyoming discussed moments ago.

If we have learned anything—and I expect we have learned a lot with respect to the war in Iraq, Afghanistan, and the trouble in the Middle East—it is that this country is foolish to continue its excessive reliance on oil from troubled parts of the world. When 55 percent of our oil comes from overseas and outside of our borders, and when the largest growth in energy usage is for transportation and putting gasoline through our carburetors so we can drive back and forth to work and take trips and so on, this country ought to understand the great peril it is in—the peril to which the economy would be flat on its back tomorrow morning if, God forbid, the supply of oil from outside our borders was discontinued or interrupted. We need to understand that. We need to pass an Energy bill that recognizes and addresses it.

The Energy bill, in my judgment, should be legislation that does four things: incentivizes increased production of fossile fuels—yes, oil—using clean fuel technology, coal and natural gas; incentivizes conservation and provides for substantial conservation initiatives; provides for efficiency with all of these things that we use in our daily lives, especially using electricity; and then, finally, addresses the issue of limitless renewable sources of energy—ethanol, biodiesel, and especially, in my judgment, hydrogen.

If we fail to do all of that in an aggressive way, we will not have much of an Energy bill. We will, as we do every 25 years, come back and debate where we should drill now. Digging and drilling is a policy that I call “yesterday forever.” It doesn’t advance this country’s interests. Yes. We should produce more fossil fuels, and we will. But we need to decide that putting gasoline through our carburetors is not what we want our grandchildren to do.

The President talked about moving to a hydrogen economy with fuel cells. I agree with that. Good for him. Putting his administration on line in support of that initiative makes great sense. Frankly, his specific proposal was timid. It was not very bold. But he deserves great credit for moving in the right direction.

I and some of my colleagues will introduce legislation dealing with hydrogen and fuel cells. That will be a \$6.5 billion program over the next 10 years—a type of Apollo program. At the start of a decade we said, Let us have a man working on the Moon at the end of the decade. We did it with timelines and with targets.

If we decide we ought to use hydrogen and fuel cells to power America’s vehicle fleet, and also some stationary engines, then we ought to move in that direction boldly, not timidly. This is the time to do that with an energy bill. This is the time we decide the direction

in which we want America to move and then establish public policy that makes that happen. I don’t know whether we will have a bill through the Senate that does all that. I hope so. We will have many amendments. I have some amendments I will offer to get us in that position.

Let me make one additional point. Anyone who watched what happened in the California and the west coast energy markets in the last couple of years has to understand that if we pass an energy bill that does not provide safeguards for the consumers, then we will have failed miserably. We saw companies—and I will name Enron, for one, but there are others the Federal Energy Regulatory Commission has already identified—that were playing a monopoly game in west coast markets manipulating loads—they were buying and selling energy to themselves, jacking up prices, in some case, five, ten, and a hundredfold, and stealing from consumers. And it was not just a few dollars; they were stealing billions and billions of dollars from west coast consumers. They are now going to be held criminally liable.

But while all that was happening, we had a Federal Energy Regulatory Commission that was dead from the neck up. It would not do a thing; it sat on its hands, looking like a potted plant. It did not do a thing. So this massive stealing went on in west coast markets because big companies that could control supply did control supply, manipulated load, and attempted to extract from the consumers in western America billions of dollars in an unfair way. We must put safeguards in this legislation that prevent that.

If anybody wonders about it, there is plenty written about it. Go trace the trail that describes the Enron Corporation strategies called “Get Shorty,” “Fat Boy,” and “Death Star.” Do you know what those are? Those are strategies to steal from consumers. The FERC is now deciding there was plenty of activity, and there are criminal investigations going on that warrant perhaps prosecution of both companies and individuals.

But all that happened because we had regulators who did not want to regulate. Regulators were afraid to step in and take effective action. Once again, it demonstrates that when you have the market power, the muscle, and the clout, and you do not have regulators who effectively regulate it, people are victims. And in this case on the west coast, the victims lost billions of dollars. The question is, How is there going to be recompense for that? How is that going to be resolved? Who is going to be tried? Which FERC investigations are sent to the Justice Department for criminal prosecution?

My point is, safeguards need to be in this energy bill dealing with that. We have been through this once. We have colleagues still calling for deregulation of these markets. Deregulation, when you have companies with market

power willing to use it to the detriment of consumers, is a devastating mistake. You need effective regulators, wearing referee shirts, who safeguard the interests of the consumers.

That has to be a part of this bill as well.

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

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDENT pro tempore. The Chair, in my capacity as a Senator from the State of Alaska, asks unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Morning business is closed.

THE ENERGY POLICY ACT OF 2003

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 14, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 14) to enhance the energy security of the United States, and for other purposes.

Pending:

Frist/Daschle amendment No. 539, to eliminate methyl tertiary butyl ether from the United States fuel supply, to increase production and use of renewable fuel, and to increase the Nation’s energy independence.

The PRESIDENT pro tempore. The Chair, in my capacity as a Senator from the State of Alaska, suggests the absence of a quorum. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DOMENICI. Mr. President, parliamentary inquiry.

Am I correct that we are currently on S. 14?

The PRESIDING OFFICER. That is correct.

Mr. DOMENICI. The National Energy Policy Act?

The PRESIDING OFFICER. That is correct.

Mr. DOMENICI. I thank the Chair. I hope Senators and their staff are paying attention. We have been given this week, and it would seem like part of next week, to get an energy bill completed in the Senate. We know this is an important bill, and we know these are important issues to Senators.

Nonetheless, it would seem to this Senator that we have had a very lengthy debate, a lot of amendments, and much discussion last year on an energy policy. Admittedly, much of

that debate centered around the Alaskan wilderness provisions, and they are not going to be at issue in this bill unless somebody chooses to make them so. As manager on this side, I am not aware of anyone who intends to do that. Not because people have changed their minds but because the issue seems to have been decided.

It seems to this Senator that much of the debate has been narrowed. Nonetheless, there is a significant number of issues of consequence to many Members. We did produce a bill in the committee in kind of rapid time, but considering that many of the issues had been debated so frequently, it appeared to this Senator, as chairman, that we did a rather good job. That does not mean we do not have some serious issues, but I believe, since the House has once again produced a National Energy Policy Act, we have a responsibility to produce one. In due course, we will be able to discuss with the Senate and with the people of this country what kind of bill we have.

As chairman, it was this Senator's hope we could produce a bill that over time gave to the American people an opportunity to use a variety of types of energy to meet both the residential and business energy needs in America's future. In essence, we tried to produce a bill that was going to enhance and increase production of various types of energy.

We could have a serious discussion of what we see down the line for the next 5, 10, 15, or 20 years that precipitates this bill and will in turn precipitate the debate on various amendments. However, it ought to be clear to everyone that the United States has, all of a sudden, within the past 5 years decided the energy of choice seems to be natural gas, aside from the fact that we still drive automobiles that use petroleum products, and thus we are still very dependent upon crude oil. We produce as much as we can at home and import a huge amount from a large pool of oil which is now being produced by numerous countries around the globe.

At home, 90 percent of the new electricity production comes from natural gas fired generation. There is nothing wrong with that, but that, coupled with the direct use of natural gas in this country, means we are rapidly moving toward a natural gas economy.

For some, there is no risk in that. For others, they ought to at least be concerned. For others, it seems that we may run into a shortage of natural gas sometime in the not-too-distant future. To that end, this bill says we have an abundance of coal in our country; do everything we can to enhance the usability of coal by spending resources on science to develop and modernize and even build a powerplant that would be clean so that we can prove that in the future coal can begin to fill the gap and begin to take the place of natural gas.

We have also gone ahead particularly at the persuasion of this Senator, the

chairman, and said that maybe the time has come for a rebirth of nuclear power in America. We will have a good opportunity for a lengthy and wholesome debate on where we are today, what went wrong in the past, and what we ought to be doing in the future, perhaps, as this bill envisions, giving nuclear power a chance to come back to life in America and become a powerful source of energy around the world.

At the same time, renewables are of great concern to many Americans. A thorough reading of this bill plus the amendment which is contemplated, the one produced by the Finance Committee, which has a significant provision in it for tax incentives for renewables—the totality of the bill, plus the proposed amendment that would be attached from the Finance Committee, suggests to the American people there will be a lot of windmills in our future. Literally, there will be millions of them. They will be a significant portion of the grid in the United States.

In addition, all other sources of energy—biomass and all related forms—are given some incentive, or in every way possible we have attempted to put all of them on an equal footing. There will be a variety of energy types available to the American people in the foreseeable future.

Clearly, there will be seven or eight major issues. I am hopeful that ethanol, which has become a huge issue even though it is not part of the jurisdiction of this committee—the major ethanol bill currently pending as an amendment has many considerations that will be brought to the Senate's attention by Senators concerned about it and who want various changes in it. We would like that it be dealt with in due course, that it not take a huge amount of the time allotted for this entire bill. We are working together on both sides of the aisle to see if we can set that amendment aside while we pursue other amendments, to move ahead, taking the ethanol provisions in due course.

This bill was reported on April 30 and laid before the Senate on May 6. The Senate considered the measure for 3 days at the beginning of May during which time the pending amendment relating to ethanol was laid down. Today, we begin consideration of the measure. I believe we can predict the outcome of most of the major issues in this legislation. The pending amendment is a bipartisan agreement on ethanol reached after years of negotiation among the involved parties sponsored by the majority and minority leaders and identical to language reported from the Committee on Environment and Public Works. I don't think there is any question but it will be adopted. However, there are some Senators, led by Senators FEINSTEIN and SCHUMER, who oppose the amendment and have the right to offer as many second-degree amendments as they like—as they did last year.

However, as with all major issues, the Senate spoke last year. For the

most part, the issues have not changed. I am certain the resolution of those matters will largely reflect the resolution achieved last year. Last year, it took 6 weeks. There is no reason for it to take that long this year. While some issues are clear, the legislation before the Senate also raised new issues which deserve the consideration of the Senate. I expect amendments related to our titles dealing with electricity, Indian energy, nuclear energy—which I alluded to briefly—which are significantly different from those proposed last year, will take a little bit of time. I also think there are a few areas, such as climate change and renewable portfolio standard, where the outcome may or may not be different from last year.

I hope my colleagues will give Members the opportunity to move as expeditiously through some of these issues as possible. I want the will of the Senate worked, and I will do all I can to move the process along. The majority leader has indicated the Senate will be on this bill this week and some portion of next week with only a few interruptions for other matters that may need to be resolved. I understand we need to spend a few hours resolving some matters relating to the Defense authorization bill and may need to vote on a few judges. Those issues should not consume a lot of time.

For my part, I will be here waiting for amendments. I understand from my distinguished colleague, Senator BINGAMAN, that he, too, is available. We will spend as much time as necessary to move this bill along. I hope a vote can occur tomorrow, perhaps as early as noon, and then thereafter on a regular basis. Senators can expect votes at various times unless we reach some agreements, which everyone would know about from time to time, on each of the days we are scheduled to be in session this week and next week. There are amendments out there. I understand a number of Senators will offer amendments on the OCS inventory provisions of the bill. I have been told perhaps Senator MCCAIN plans to offer amendments related to climate change and perhaps CAFÉ. Senator BINGAMAN made it clear he plans to offer a number of amendments. We are prepared and ready to proceed on those.

I encourage Members to be prepared to come to the Senate as soon as possible. We would like very much to be given the opportunity to get this bill discussed and get the issues debated and voted on as soon as practical. This Senator thinks they are important. There are many people in this country who think energy is important. Until there is a crisis, we act as if we need not worry about an Energy bill, but things have not changed that much. Whatever the crisis was or wasn't last year or the year before, it is practically the same for all intents and purposes today. We remain gravely dependent upon foreign oil. Clearly, there are a number of bottlenecks created

both by bureaucracy and statute that we are going to try to alleviate. There are a number of incentives that ought to be built into the energy base of our country.

As we look at the overall picture, the United States has a rare opportunity to see to it that it has plenty of energy of a variety of types and sources, and after the adoption of this policy through conference and through signature of the President so that America will not have to be worried; we will clearly be in a position that the energy we need to grow and prosper will be there.

Throughout consideration of this bill, there will be discussions about conservation—saving of energy, the use of less energy wherever we can, and promoting policy changes which will indeed promote the use of less rather than more energy. That, too, will create some very serious debates and serious discussions.

With that, I yield the floor to my colleague, Senator BINGAMAN. We are attempting to get a unanimous consent request in short order. I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I thank my colleague, Senator DOMENICI. I will just very briefly summarize the views I expressed in much greater detail when we began this bill back in May.

My own view is there is much in this legislation that has come before the Senate which I support. Unfortunately, there are also provisions in here I do not support, and there are provisions left out of the bill that I believe are important to include in any kind of comprehensive energy bill we might pass through the Senate.

On that basis, I did not support the form of the legislation that came out of the Energy Committee. I am hoping during the debate here on the Senate floor we can correct the problems that I believe exist, that we can add some provisions that will improve the bill as regards increased efficiency in the use of energy, that will improve the bill as regards increased diversity in the sources of energy, that will improve the bill as regards a consideration of climate change issues, along with our energy policy. There are a variety of issues that need to be addressed, some that need to be corrected.

I look forward to the chance to debate those issues in detail as we get into the amendments. The chairman's intention, perhaps, is to try to begin dealing with the low-income home energy assistance issue today. I hope we can move ahead on that. It is an extremely important provision of the bill. But I look forward to working with the chairman to try to move this legislation forward. In my view, it is important the Congress act in this area. It is important the country modernize the laws that affect our energy supply and energy usage. It has been many years since we have done that in

any comprehensive way. So I hope we can make progress. I know that is the chairman's fondest hope. I certainly join in that and intend to do all I can to cooperate.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

Mr. DOMENICI. Mr. President, we have received consent from both sides for the following consent request.

I ask unanimous consent that the pending ethanol amendment be set aside temporarily so that the Senator from New Mexico can offer an amendment with reference to LIHEAP.

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

AMENDMENT NO. 840

Mr. DOMENICI. Mr. President, I want to explain what we have done and why we have done it. Obviously, there are Senators who want to debate and propose amendments to the ethanol provision. They are not available today.

On the other hand, there is an issue, the LIHEAP issue. Last year the LIHEAP bill was found in the Energy legislation. This year the Senate Committee on Energy and Natural Resources voted for LIHEAP, to reauthorize the LIHEAP Act, and did not include it in the bill but recommended that it would be offered on the floor as an amendment.

In compliance with that, I am going to offer the LIHEAP reauthorization amendment. It will be offered by myself, for myself and for Senator BINGAMAN, in response to the recommendation of the Energy Committee that such be the case.

With that, I send to the desk the low-income home energy assistance program, on behalf of myself, Senator BINGAMAN, and the committee.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] for himself and Mr. BINGAMAN, proposes an amendment numbered 840.

Mr. DOMENICI. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To reauthorize LIHEAP, Weatherization assistance, and State Energy Programs)

At the appropriate place in the bill, insert the following new title:

TITLE XII—STATE ENERGY PROGRAMS
SEC. 1201. LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM.

(a) HOME ENERGY GRANTS.—Section 2602(b) of the Low-Income Home Energy Assistance

Act of 1981 (42 U.S.C. 8621(b)) is amended by striking "each of fiscal years 2002 through 2004" and inserting "fiscal years 2002 and 2003, and \$3,400,000,000 for each of fiscal years 2004 through 2006."

(b) STATE ALLOTMENTS.—Section 2604(e) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(e)) is amended—

(1) by inserting after (e) "(1)";

(2) striking "or any other program;" and

(3) adding at the end the following:

"(2) Notwithstanding any other provision of this subsection, the Governor of a State may apply to the Secretary for certification of an emergency in that State and an allotment of amounts appropriated pursuant to section 2602(e).

"(3) The Secretary shall, in consultation with the Department of Energy and States, adopt by rule procedures for the equitable consideration of such applications. Such procedures shall require—

"(A) consideration of each of the elements of the definition of "emergency" in section 2603;

"(B) consideration of differences between geographic regions including: sources of energy supply for low-income households, relative price trends for sources of home energy supply, and relevant weather-related factors including drought; and

"(C) that the Secretary shall grant such applications within 30 days unless the Secretary certifies in writing that none of the emergency conditions defined in section 2603 have been demonstrated."

(c) REPORT ON METHODOLOGY.—

(1) Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to Congress a report that makes recommendations regarding the methodology for allocating funds to States to carry out the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.).

(2) In preparing the report, the Secretary of Health and Human Services shall—

(A) use the latest, best available statistical data and model to develop the recommendations for the methodology; and

(B) recommend a methodology that—

(i) consists of a mechanism that uses estimates of expenditures for energy consumption (measured in British thermal units) for low-income households in each State, for each source of heating or cooling in residential dwellings; and

(ii) employs the latest available annually updated heating and cooling degree day and fuel price information available (for coal, electricity, fuel oil, petroleum gas, and natural gas) at the State level.

(3) In preparing the report, the Secretary of Health and Human Services shall consult with appropriate officials in each of the 50 States and the District of Columbia.

(4) There are authorized to be appropriated to carry out this subsection such sums as may be necessary for each of fiscal years 2004 through 2006.

(d) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall transmit to Congress a report on the programmatic impacts of using the National Academy of Science's poverty measure with difference equivalence scale, known as DES, to determine low-income households.

SEC. 1202. WEATHERIZATION ASSISTANCE PROGRAM.

(a) ELIGIBILITY.—Section 412 of the Energy Conservation and Production Act (42 U.S.C. 6862) is amended—

(1) in paragraph (7)(A), by striking "125" and inserting "150"; and

(2) in paragraph (7)(C), by striking "125" and inserting "150".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 422 of the Energy Conservation and

Production Act (42 U.S.C. 6872) is amended by striking the period at the end and inserting “, \$325,000,000 for fiscal year 2004, \$400,000,000 for fiscal year 2005, and \$500,000,000 for fiscal year 2006.”.

SEC. 1203. STATE ENERGY PLANS.

(a) STATE ENERGY CONSERVATION PLANS.—Section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322) is amended by inserting at the end of the following new subsection:

“(g) The Secretary shall, at least once every 3 years, invite the Governor of each State to review and, if necessary, revise the energy conservation plan of such State submitted under subsection (b) of (e). Such reviews should consider the energy conservation plans of other States within the region, and identify opportunities and actions carried out in pursuit of common energy conservation goals.”.

(b) STATE ENERGY EFFICIENCY GOALS.—Section 364 of the Energy Policy and Conservation Act (42 U.S.C. 6324), is amended to read as follows:

“STATE ENERGY EFFICIENCY GOALS

“SEC. 364. Each State energy conservation plan with respect to which assistance is made available under this part or after the date of enactment of this title shall contain a goal, consisting of an improvement of 25 percent or more in the efficiency of use of energy in the State concerned in calendar year 2010 as compared to calendar year 1990, and may contain interim goals.”.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 365(f) of the Energy Policy and Conservation Act (42 U.S.C. 5325(f)) is amended by striking the period at the end and inserting “, \$100,000,000 for each of fiscal years 2004 and 2005 and \$125,000,000 for fiscal year 2006.”.

Mr. DOMENICI. Mr. President, the amendment increases the authorization for the low-income home energy assistance program from the current authorization of \$2 billion annually to \$3.4 billion for each of the fiscal years 2004 through 2006. The amendment also expands eligibility for the Weatherization Assistance Program to include families with household incomes at or below 150 percent of the poverty level established by OMB, which is equivalent to the existing LIHEAP eligibility.

The amendment also increases funding to \$325 million for fiscal year 2004 through \$400 million for 2005, and \$500 million for 2006.

Finally, the amendment establishes procedures for regular review of existing State energy conservation programs. It sets State energy efficiency goals, reducing energy use by 25 percent by 2010 from energy usage in 1990, and it expands and extends authorization for these programs to \$100 million in fiscal year 2004 and 2005, and \$125 million for 2006.

I urge my colleagues to agree to the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I strongly support the amendment that Senator DOMENICI sent to the desk. I think it makes some very much needed improvements in the existing Low-Income Home Energy Assistance Program and also in the Weatherization Assistance Program. It also provides additional funds for development of State energy plans.

I think these are very important provisions. We did not have that severe of a winter in many parts of the country this year. Accordingly, we didn't see as many headlines about the importance of this Low-Income Home Energy Assistance Program as we have in some previous years. But the truth is, this is an extremely important program for a great many of our citizens who are low income and who do need the help. It is important for them in heating their homes in the winter, and it is important for them in keeping their homes reasonably cool in the summer. We are starting the summer.

I went through Dallas on the plane Friday on my way back to Washington. It was 96 degrees. I am sure that is a mild foretaste of what we are going to be seeing in the future as far as the temperature in Dallas and in many parts of the country, particularly in the southern sections of the country.

The Low-Income Home Energy Assistance Program assists people in paying their utility bills for air-conditioning just like it assists them in paying their utility bills for heating.

It is very clear when you look at studies that there are a significant number of people in this country, particularly elderly people in the Southern States, who, in fact, die because of excess heat and the inability to cool their apartments or their homes.

This is a very important program. It is one that we need to deal with. It is one we tried to deal with in the Energy bill last year. We passed it through the Senate in very much this same form. We had general support from the House of Representatives to include it in a final bill to go to the President had we been able to get agreement on a final bill. But there was no disagreement about this part of the program or this part of the legislation.

I believe very strongly this should be agreed to and should be included in this Energy bill.

I notice the House has addressed it already in the Energy bill they have passed. It clearly needs to be part of our Energy bill as well so that when we go to conference we can, in a meaningful way, conference with the House of Representatives on this important issue.

I hope this will be agreed to. I look forward to additional debate on it as necessary.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 841 TO AMENDMENT NO. 840

Mr. DOMENICI. Mr. President, I have already indicated to the Senate that while this amendment was in the Energy bill last year, and while it was

considered by the Energy Committee of the Senate and handled in a manner that I have described, it is not included in the bill but recommended for submission as an amendment, which has been done. It is clear the jurisdictional issue which has arisen did not come up last year, as I understand it, from the distinguished Senator from New Mexico who was chairman last year. It was not raised. So we proceeded as if the same were to occur this year. Such is not the case in that the chairman and the ranking member of the committee of jurisdiction desire to challenge the inclusion of that.

They are aware of the fact that the amendment is going to be included today. The chairman of the appropriate committee, Senator GREGG, is not here today. He will be here tomorrow. Thus, we will not complete debate on this until he comes back tomorrow. But I am going to send to the desk, as they understand this is going to be the case, in behalf of Senator GREGG, an amendment to my amendment which strikes the section of the Low-Income Home Energy Assistance Program substitute and extensive Senate language; that when the Committee on Health, Education, Labor and Pensions reauthorizes the LIHEAP Act of 1981, the committee should consider increasing the authorization of the program to \$3.4 billion to better serve the needs of low-income and other eligible households.

I, therefore, send in amendment to the desk in behalf of the chairman of the committee on Health, Education, Labor, and Pensions a sense-of-the-Senate amendment which does what I have just described.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mr. GREGG, for himself, Mr. KENNEDY, Mr. ALEXANDER, Mr. DODD, Ms. COLLINS, and Mr. REED, proposes an amendment numbered 841 to amendment No. 840.

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

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

The amendment is as follows:

(Purpose: To express the sense of the Senate regarding the reauthorization of the Low-Income Home Energy Assistance Act of 1981)

Strike section 1201 (relating to the Low-Income Home Energy Assistance Program) and insert the following:

SEC. 1201. SENSE OF THE SENATE REGARDING THE REAUTHORIZATION OF THE LOW-INCOME HOME ENERGY ASSISTANCE ACT OF 1981.

(a) FINDINGS.—The Senate finds that—

(1) the Low-Income Home Energy Assistance Program (referred to in this section as “LIHEAP”) is the primary Federal program available to help low-income households, individuals with disabilities, and senior citizens meet their home energy bills and maintain their health and well-being;

(2) home energy costs are unaffordable for many low-income households, individuals with disabilities, and senior citizens living on fixed incomes;

(3) those households often carry a higher energy burden than most United States households, spending up to 20 percent of their household income on home energy bills;

(4) States provided more than 4,000,000 households with LIHEAP assistance in 2002;

(5) LIHEAP is currently able to serve only 15 percent of the 30,000,000 households who are income-eligible for assistance under LIHEAP; and

(6) the Committee on Health, Education, Labor, and Pensions has jurisdiction over the Low-Income Home Energy Assistance Act of 1981, which provides authority for LIHEAP, and is working towards reauthorizing the Act prior to its expiration in 2004.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that, when the Committee on Health, Education, Labor, and Pensions reauthorizes the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.), the committee should consider increasing the authorization of appropriations under section 2602(b) of that Act (42 U.S.C. 8621(b)) to \$3,400,000,000, in order to better serve the needs of low-income and other eligible households.

Mr. DOMENICI. Mr. President, as I understand it, this is the second-degree amendment. Clearly, it will be debated tomorrow when Senator GREGG and Senator KENNEDY return. We will see what the wish of the Senate is. I join with my colleague, Senator BINGAMAN, in stating that I hope we will leave it in this bill. I think the House has done the same. I think it is important that we adopt the LIHEAP bill and that we do it now. Obviously, there is no need for the Senator from New Mexico to debate any further on this issue because the opponents have to be heard from and they won't be here until tomorrow.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOMENICI. 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. DOMENICI. Mr. President, for Senators again, let me repeat that we are awaiting the return of Senator GREGG to debate this issue; that is, the second-degree amendment which was just offered a few moments ago. In the meantime, the entire Energy bill is before us. Amendments would not be in order obviously. We will await their return and then begin the debate. After we finish the debate, we will vote on LIHEAP.

We will also debate the ethanol amendment. We are attempting to work with Senators who have serious issues with reference to ethanol to see if we can't line those up so that we will be ready to proceed in due course and with some degree of dispatch.

Having said that, I don't believe there is going to be any further significant business on this bill. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

MORNING BUSINESS

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

SCHEDULE FOR JUNE

Mr. FRIST. Mr. President, in opening the Senate this morning, I spoke generally of the schedule for the next month. There are a number of items that I outlined which we will be addressing.

The first is energy, and we will continue that debate, possibly later today but through tomorrow, the next day, the next day, the next day—through this week. It is a very important debate as we work toward that objective, increasing domestic production, decreasing our dependence on foreign sources, addressing issues such as renewable energy sources that we all know are so important, and accomplishing all that with a lot of attention and focus and care with regard to the environment as well as the economy of this great country.

I mentioned this morning that we have begun, weeks ago—in fact, months ago—addressing the issues surrounding the strengthening of our Medicare Program—strengthening it, preserving it, improving it—and at the same time addressing an issue that seniors feel strongly about, people in Medicare feel strongly about, but also soon-to-be-seniors and that younger generation, and that is to include a new benefit of prescription drugs as part of our health care for seniors program, our Medicare Program.

As I talked to a number of people over the last week, a lot of people said, Why now? There are a lot of reasons why now. The bigger question I have is why didn't we do it 6 months ago or a year ago or 2 years ago. Prescription drugs have become an integral part of health care delivery, of the tools, of the equipment, of the armamentarium

that a physician has, that a nurse has, that health care providers have, to give people security, health security, and especially to give seniors health care security. That is the purpose of our Medicare Program, to give seniors that health care security. Yet we have this very important benefit today—much more important today than 10 years ago or 20 years ago or 30 years ago when Medicare was started—these prescription drugs, which are vital to health care security for seniors.

We will be addressing, 2 weeks from today on the floor of the Senate, for a 2-week period, how to strengthen and improve Medicare. To answer that question, Why address the issue now? I think there are three reasons.

First, I think we have a unique opportunity because the political environment is right. When I say political environment, I mean the responsiveness that we demonstrate to what our constituents want and what they demand and, indeed, what they deserve. Indeed, in terms of the political environment, we have seen the call for prescription drugs, proposals to deliver prescription drugs, enter into a number of campaigns 6 months ago around the United States of America, in the campaign cycles from 2 years ago, and that is simply a reflection of the importance of the issue to the American people.

Second, we have a unique opportunity because, I believe, the legislative stars are aligned at this point in time—unlike last year, unlike 3 years ago, and possibly unlike 2 or 3 years from now. By that I mean that we have a President of the United States who has spoken out boldly and forcefully that this is important to our domestic agenda. In fact, the President put out a framework several months ago demonstrating his commitment and the commitment of this administration to strengthening Medicare, to improving Medicare, and at the same time adding this new and important benefit of prescription drugs.

When I say the legislative stars are aligned, it starts in many ways there because it takes that bold leadership because this will be the single most significant and most expensive change in the history of Medicare, a new benefit at the same time we strengthen and modernize Medicare. But it also takes bold leadership in the House of Representatives and bold leadership on the floor of the Senate. As a physician, as majority leader of the Senate, I have made it very clear that this is a huge priority for the leadership of this body. Indeed, that reflects the leadership in the last Congress where Medicare reform and modernization and prescription drugs were discussed on the floor for 2 or even 3 weeks, but where we were not able to bring to it a conclusion.

Then we have a House of Representatives, as we look at these legislative stars. Indeed, it is lined up. This will be the third Congress, maybe the fourth

but the third Congress that I recall, that will have put forth and passed a bold, comprehensive plan.

So when you have bold leadership in the White House by the President of the United States, you have this body, which is committed—committed to giving our seniors what they deserve, you have a majority leader who happens to be a physician, who has taken care of, personally, tens of thousands of patients who would be beneficiaries of this type of program—and a House that is committed, we can do it.

The third reason we have this unique opportunity, and which is one that we have little control over, is the unprecedented aging of the population which was defined post-World War II and what we know today as the baby boomers. This unprecedented fertility curve that happened after World War II, this move in our population which begins to hit in about 6 or 7 years, resulted in a doubling of the number of seniors. From where we are today over the next 30 years, that doubling of the number of seniors is going to call for health care security. It is going to make it very expensive. Therefore, we need to look in whatever we do today to make sure we meet that fundamental criterion of having it be sustainable over time, and not to make promises that can't be sustained when we are going to have twice as many people demanding and deserving the services for that health care security.

That unprecedented tidal wave of the aging of our population is what we need to face as responsible legislators. What complicates that huge increase in demand for services is that in the pay-as-you-go system, the number of workers out there who are actually paying into the system is going to fall over time. About seven workers in 1970 would support one senior. I just told you that we are going to double the number of seniors. But no longer having seven workers support every senior, it is now down to about four workers for every senior. And it will go down to about 2.9 workers for every senior. For every one senior you have over here, you are going to have fewer people working harder to provide those services, and on top of that you have a doubling of the number of seniors receiving those services.

This underscores the need to approach this modernization, this strengthening, this reform, this improvement of Medicare, especially since we are adding on top of that system I just described the single largest addition of benefits in the history of Medicare.

Even with benefits as designed today which we have already promised, the system itself is difficult to sustain because of this doubling of seniors, and with almost a halving of the number of people paying in. On top of that, we have the challenge of adding a very expensive service.

It is estimated that seniors will spend about \$2 trillion in medicines

over the next 10 years. I would say that is a low estimate. If we were to promise all seniors all of their prescription drugs for the next 10 years, that would be \$2 trillion which we would be putting on the system. Today, for all health care, we spend about \$250 million a year. That simply can't be sustained long term. But that is the challenge which we have.

Let me say that as a physician and as someone who has been involved in delivering care to seniors, Medicare has been hugely successful. The Medicare Program, which is now a little over 35 or 38 years old, has been hugely successful. Seniors would have been driven to financial ruin. They would not have received the health care benefits because there would be too many barriers without this great program. The problem and the challenge is that the program itself has not changed very much over the last 30 years. We have changed it a little bit on the floor of the Senate, but at the same time health care delivery has changed dramatically. We know better how to deliver care in a continuous way that looks at quality, constant monitoring, and chronic disease, but none that have ever been incorporated into this great program, but a stagnant program that hasn't kept up with the times, with the great advances, such as difficult heart transplants—I was involved in putting in artificial hearts as a surgeon in that arena—with a little stint; and the angioplasty. None of that was done in 1965 when Medicare started—zero.

The system changes so little. And you can go through every specialty of health care. These rapid changes in health care simply are incorporated only very slowly with years of lag time, if they are incorporated at all. In Medicare, there is very little preventive medicine, for example. It has been a great program, a tremendous program, and a program we need to preserve. But we need to improve it and strengthen it over time.

Our challenge is that a lot of the seniors listening to me are thinking their Medicare is OK. You politicians up there in Washington, DC may have been a doctor in the past and now may be a U.S. Senator, but just do not touch what I have. I may be 80 years old, or 85. I don't want any politician tinkering with my health care that I think is OK.

That is going to be a challenge as well because a lot of people are going to say don't touch it at all.

I would argue that seniors deserve for us to touch it. Don't take anything away from seniors. If they want to keep what they have today, they can keep exactly what they have. But at the same time we have an obligation to let seniors and soon-to-be seniors know the program is not as good as health care which can be delivered today, and which is delivered today in the private sector. They need to know that.

For example, Medicare doesn't cover catastrophes. That simply means if you

are very sick, with Medicare there is no limit of \$1,000, \$10,000, \$50,000, or \$100,000 that you are going to pay in. You are always going to be paying out-of-pocket a certain percentage. For example, with physicians, you might be paying 15 or 20 percent of whatever that physician charges. But for the rest of your life—no matter if you have a catastrophe, if you had \$100,000 in bills, there is no cap in Medicare. That is not true in the private sector. There is a catastrophe cap for most health care plans.

Second, Medicare today does not offer very much in the way of preventive care. We know that if we catch the disease early and we manage it well before you require hospitalization, before you require surgery, and before you require radiation therapy, you are going to have huge cost savings. But, more importantly, you will have a better quality of life for the rest of your life.

That takes prevention—catching those cancers when they are tiny, before they have spread throughout the body, or catching that heart disease before it has manifested itself in shortness of breath, or congestive heart failure and not being able to get out of bed. We do it all the time today. Yet annual physical exams are not covered in Medicare.

I would tell seniors who say they are getting good coverage today to ask whether there should be some prevention involved. Right now Medicare has very little.

Second, wouldn't you like to have a plan that limits your out-of-pocket expenditures?

Third, Medicare today—as great a program as it has been—does not cover prescription drugs. If you talk to seniors today and ask somebody who is 80 or 85 years of age, Are you on prescription drugs, they will say, No, hopefully, but in all likelihood they will say Yes, for my diabetes, or for my congestive heart failure, or for my obstructive pulmonary disease, for my arthritis. Really, you can pick any one as you go through.

Thus, I would argue, if you are saying you deserve health care security, you deserve some health with your prescription drugs, yet you don't get it today at all in Medicare, there are things which we can do to strengthen it. The value of the benefit package is inferior to what is in the private sector today—inferior to what I would argue seniors deserve today.

I list these things because it is important for people to realize that as good as Medicare is, it simply does not provide what is available and what seniors deserve. If you are a senior, look at your total expenditures for health care. Medicare only pays about half of them. That means you have to figure out some way to pay for the other half. You might do it by buying other supplementary insurance policies, or by getting discounts, or whatever you have to do. In some way or another you have to figure out how to pay for it.

That is certainly not true for people in this body, or for the 9 million Federal employees who are not responsible for 50 percent of their health care today under their insurance program.

We need to change Medicare so it gives a better value and so our seniors will be able to get the health care they need without being unfairly punished by having to pay so much out of pocket—so much more than, say, Federal employees. The list goes on.

As we debate, we will talk more at length about these issues.

I want to mention one other problem with Medicare that we need to debate on this floor; that is, the fragmentation of the system.

In 1965, through compromise at the time, there was a Part A for physicians and a Part B for hospitals. It has been fragmented into two separate categories.

Today, health care needs to be continuous. There needs to be a continuum. You want ongoing, continuous quality management, and you don't need different financing systems or different record keeping or different deductibles or different copayments set up. It is just not an efficient and effective way to deliver health care today.

In short, the Medicare system—again, as good as it is—does not live up to the standard we have set in the private sector. It is now time to address that gap, which we will be doing on the floor of the Senate.

Medicare today is still set up the way it was in the 1960s and in the 1970s to respond to acute episodic care. People get sick and go to the hospital. You treat them, and they go home.

That is not the way health care is delivered today in the private sector where you want to keep people out of the hospital, where it is not just acute care, where you are not just responding to a heart attack. The idea today is to prevent the heart attack in the first place. Now we have the expertise to do it, we have the medicines to do it, but seniors are not getting it today.

So what are we going to see play out here in the next month? We will begin to hear—probably starting tomorrow—a lot of discussion of the various plans that have been both proposed in the past and that the Finance Committee is thinking about. The Senate Finance Committee now is developing a balanced plan, a balanced proposal that draws upon a lot of the legislation that has come to this body, legislation that, in the last Congress, was the tripartisan plan, and a plan from several years ago that JOHN BREAUX and I worked on, and a House-passed plan from last Congress and the Congress before, and the framework put forth by the President of the United States.

I hope and pray but I am committed to see that we develop a bipartisan plan, bringing the best out of this body, from Democrats and Republicans, to address some of the needs—hopefully all of the needs—that I outlined a few minutes ago that make

Medicare today less than what seniors deserve.

Over the next 2 weeks there will be a lot of discussion on this issue. Two weeks from now, on the floor of the Senate, we will be debating the legislation for 2 weeks. I am hopeful we can pass a plan out of the Senate before July 1 that responds to these needs.

I mention it has to be balanced and it has to be bipartisan. I say that for lots of reasons. In large part, it is because this is a huge challenge. We are going to have to take the very best of the Republican ideas, the very best of the Democrat ideas, the very best of the President's ideas, and the very best of the House's ideas and put them together. This will be the single largest expansion of Medicare in the history of the Medicare Program. As I said, it is going to be about \$2 trillion that seniors are going to be spending over the next 10 years. We need to debate, as we go forward, how we can lower that barrier so seniors can get those prescription drugs.

I will close by saying that reform, modernization, strengthening has to be linked to prescription drugs, and prescription drugs have to be linked to strengthening and improving Medicare. It does not make sense in a fragmented system that doesn't have very much in preventive care that was built on a 1960s model. It does not make sense to superimpose a brand new benefit without taking advantage of putting all that in a single system that gives continuity, quality assurance, a systems approach where you can reduce medical errors that we know occur today.

There are five key principles that will guide our legislative efforts.

I think, first and foremost, we need to stress that whatever we do needs to be patient-centered. We need to think of that senior, what we can do to give him or her health care security, building whatever changes are needed around that.

Second, our seniors deserve the opportunity to voluntarily choose the health care plan, the health care coverage that best meets their individual needs. It is revolutionary in many ways but to look at a senior and say: You will have the opportunity, A, to keep exactly what you have now, what you have under current law, or, B, you can choose a type of coverage that better meets your individual needs, which may focus on your chronic disease of heart failure, which may involve disease management of your diabetes, and which will include preventive care, so whatever your status is when that progresses, we will pick it up early. Seniors will be able to voluntarily choose the type of health coverage and drug benefit that best meets their individual needs.

Third, seniors also deserve coverage where they have continuous quality management and safety improvements, and that requires a systems approach. You hear about these medical errors being made in hospitals, confusing pre-

scriptions and medicines that interact with each other. I think that is the sort of thing we can avoid if we incorporate it in the legislation. I know we can do it in the legislation that evolves over the next several weeks.

Fourth, as I look at these principles, seniors deserve to be able to capture innovation. If we figure out a newer, better way to do something that will improve health care, that innovation should be captured. You should not have to wait 4 years to have access to innovation. It was 4, maybe even 5 years after heart transplants were widely available that they were made available in the Medicare Program. Seniors should not have to wait that long, if it is crystal clear, if the data is there, that this type of therapy is effective.

The fifth principle I would add is that seniors deserve coverage that is less bureaucratic, that has less paperwork, that is more flexible, so it can, indeed, adapt to the times.

We have a huge task ahead of us. A lot of people say they don't know if it can be done over the course of the next month. I am confident it can be done, in large part because much of the work was done in the last Congress, and it is being done both on the floor of the Senate and in the House of Representatives. We have made tremendous progress. We are building on a lot of the work that has been done in the past.

I am confident it can be done because the American people want it to be done. I am confident it can be done because people in this body—Democrat and Republican—want to do what is best for seniors, what is best for individuals with disabilities. I think we are going to see that responsiveness of this body play out over the next 4 weeks. I am excited about it.

The House of Representatives will likely be considering strengthening Medicare, addressing prescription drugs over the course of this month as well. If we can both accomplish that—which we are going to work very hard to do—within 6 months, 8 months, or less than a year from now, seniors will have a benefit as they reach out to obtain and use those prescription drugs as part of their health care.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

MEDICARE REFORM

Mr. DASCHLE. Mr. President, I welcome our colleagues back. We are looking forward to a very productive few weeks. We know we have a lot of work to do in a relatively short time. In particular, work on the Energy bill is

going to require a good and vigorous debate. I know there are a number of Senators wishing to offer amendments. I hope we can begin that process in earnest tomorrow. I know there are a number of my Democratic colleagues who have particular issues they wish to address. We will get into many of those issues in earnest as amendments are offered over the next several days.

I didn't have the opportunity to hear the distinguished majority leader, but he has indicated to me—and I understand he has announced—that it is his interest and his plan to bring up the Medicare reform/prescription drug legislation the last couple of weeks of June. We certainly welcome that. We are looking forward to another debate, picking up where we left off last year.

I am concerned, I suppose, that we are moving quickly to this legislation without the benefit of extended discussion or hearings in the committee. I was rather roundly criticized last year after giving the Finance Committee a certain deadline and having failed to meet that, going to the floor so that we could ensure that we would do all that was possible to get a bill through the Senate in order to conference with the House prior to the end of the session. That wasn't possible, but we made every concerted effort and certainly a case that we could not afford to wait beyond the August recess, which is why we took up the bill last July.

We have not had, as I say, an opportunity to see the ideas that our colleagues on the other side are considering as we look at prescription drugs. But I was very appreciative of the report that I got about the majority leader's comments with regard to the value of Medicare. I think it is important to note that some of our colleagues on the other side have argued that we ought to eliminate Medicare, or terminate Medicare, or dramatically change Medicare—but the distinguished majority leader has noted that Medicare is a very valuable program, and indeed that is the case.

Before Medicare was created—about 1965—less than half of all senior citizens had health insurance. Today, almost every senior citizen has health insurance. So I think that alone argues very well for the importance of recognizing the universality of access to health insurance by those at least over the age of 65. We only wish we could replicate that for the rest of the population.

I think it is also important to note two other things. First, Medicare administrative costs are about 2 to 3 percent. That compares very favorably to the administrative costs of private health care—some 15 percent. So you have Medicare administrative costs at such a point that would leave 97 percent of the revenue generated that could go to benefits, where in the case of private health insurance, only about 85 percent of what revenue is generated is left that could go to benefits. That is a dramatic difference.

So those who argue that somehow the private sector is so much better, I argue that at least from a benefits structure, an efficiency point of view, you can certainly argue that the Medicare prototype or paradigm is so much more efficient. I also argue that in South Dakota it is almost impossible to get private health care benefits. You cannot find them in many parts of my State. That is true of a lot of rural areas. Health care benefits, health care insurance in rural areas is almost nonexistent, especially if it is provided through managed care. We have no managed care, virtually, in South Dakota.

So those who argue that somehow there is a panacea in the private sector overlook the fact that oftentimes, when it comes to rural areas in particular, it is almost impossible to use a private health care model. That is why we fought so hard last year. That is why when we offered the so-called Gramm-Miller-Kennedy legislation, we said, No. 1, there has to be a defined benefit; No. 2, a defined premium; No. 3, a way to ensure that rural areas are provided with the benefits; No. 4, we have to ensure as well that there isn't a coverage gap, a so-called sickness gap that was used oftentimes to make up for the fact that we needed to provide benefits right out of the box, but because we had limited dollars, they would go through a coverage gap before the benefits would kick in again.

Now, unfortunately, on all of those particular points, the bill offered by our Republican colleagues last year failed. There was a coverage gap. You paid premiums into this health insurance plan all year long, but I'm concerned that in some cases the benefits could kick out in February and might not kick back in again until roughly October. So you went through all of the spring and summer paying into the system but not getting any benefit back. That coverage gap was a serious omission and, frankly, one of the reasons we didn't believe that plan had much merit. They could not tell us what it was going to cost on a monthly premium, or what the benefits were going to be. They suggested things, but there wasn't any defined benefit. There wasn't any defined premium.

Then, of course, one of the biggest concerns many of us had is we could not count on the plan being offered in rural areas—especially in States like mine.

So I hope as we begin, we can all agree, No. 1, Medicare is a critical program, a success story of tremendous magnitude. Any time you can say you have eliminated the lack of access to health care for a certain group of people almost entirely, that is a success. That is exactly what we have done. Can it be improved? Again, like the majority leader, I think absolutely it can be. We ought to be providing more preventive care. We ought to find ways in which to promote wellness. That ought to be part of any plan. I personally be-

lieve there ought to be a lot more screening, a lot more access to all of the available techniques, all of the available methods of ensuring that we catch illness early, so preventive care is one of those things we can do. Adding a prescription drug benefit—absolutely. But if we are going to do this, let's not make this a big roll of the dice with senior citizens and say we cannot tell you what the premium is going to be, or what the benefits are going to be, or we cannot tell you for sure when your coverage kicks out and when it kicks back in with the coverage gap, or we cannot tell you for sure whether it is going to be offered in rural areas, and we will have just a Medicare backup in case all of this fails.

Well, that isn't a plan many of us would feel very good about, if, ultimately, that were the final vote. But I start with the hope and, I must say, the expectation that we can work together to find common ground; that we can address many of these shortcomings that were so evident in last year's legislation among some of our Republican colleagues; and that we can work together constructively.

I don't see any reason we cannot finish this legislation by the end of this month. But if that is going to happen, I hope, indeed, we can send each other a clear message that we are not looking for a 51-vote solution; we are looking for a 70, 80, or 90-vote solution. We are looking for a compromise in this legislation that brings about a broad consensus.

I hope we can use some discipline and avoid bringing up extraneous issues. We don't need to get into the array of controversial things that have nothing to do with prescription drugs or Medicare. If you want to derail prescription drugs, bring up any one of these extraordinarily controversial things, but I think it would be a very unfortunate set of circumstances. I am optimistic, having been given the report of the distinguished majority leader, and I am hopeful that we can work together so that by the end of this work period, not only will we have accomplished a good deal with regard to energy policy, but we will be able to say to seniors and to the country that we have at long last agreed on starting a Medicare benefit for prescription drugs that we can feel good about, that seniors understand, that would be offered in rural areas, and that builds on the model that has been such a success now for the last 40 years.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

BLITZKRIEG ON FREEDOM IN BURMA

Mr. McCONNELL. Mr. President, this weekend's violent repression of democracy activists in Burma underscores the illegitimacy and brutality of the State Peace and Development Council, SPDC, and its political arm, the Union Solidarity Development Association, USDA.

Although reports are still coming in from the field, Burmese democracy activist Daw Aung San Suu Kyi and supporters of the National League for Democracy, NLD, were attacked on Saturday by armed agents of the junta in Yaway Oo, some 400 miles north of Rangoon. Four people were reported killed, and scores injured and arrested—including Suu Kyi and other members of the NLD.

Given the SPDC's total disregard for the human rights and dignity of the people of Burma, I expect the death toll and number of arrests relating to this incident to rise over the next few days and weeks.

Between the attack and the closure of NLD offices and universities, the SPDC has launched a blitzkrieg on freedom in Burma.

My immediate concern is for the welfare of all NLD members and their supporters, and for safety and security of Suu Kyi. The world must know for certain that Suu Kyi is alive and well. It is absolutely essential that U.N. Special Envoy Tan Sri Razali Ismail meet with Suu Kyi and other imprisoned activists should he travel to Burma later this week.

The international community must meet this brutal assault not with diplomatic niceties, but with forceful condemnation and concrete sanctions against the thugs in Rangoon.

In response to Suu Kyi's arrest and the murder of Burmese democracy activists, the administration should immediately—right now—expand the visa ban against the SPDC to include past and present leadership of both the Council and the USDA. SPDC and USDA assets should be identified in the United States and frozen right now.

To paraphrase Winston Churchill, it is time to draw the sword for freedom and cast away the scabbard.

Mr. President, I am going to continue to closely follow developments in Burma. I will have more to say on this matter tomorrow and later in the week.

MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business.

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

SALUTE TO THE 147TH FIELD ARTILLERY

Mr. DASCHLE. Mr. President, Thursday, May 22, the 5th U.S. Army de-

mobilized Battery C, 2nd Battalion of the South Dakota National Guard's 147th Field Artillery. This unit, from Redfield and Miller, was among more than 20 Guard and Reserve units from my State called to active duty in support of Operation Iraqi Freedom.

Today, these soldiers and their service become a part of South Dakota's military heritage. Like those who served in the two world wars, in Korea, in Vietnam and numerous other places, this new generation has answered the call. They have offered to make every sacrifice, including life itself, to protect our freedom and security. We must never forget them or the honor with which they served.

This unit participated in a mobilization with few precedents in South Dakota history. Nearly 2,000 Guard and Reserve troops were called to active duty in our State, by far the largest mobilization since World War II. At the time the fighting began, units from more than 20 communities had been called up, from Elk Point in the south to Lemmon in the north, from Watertown in the east to Custer in the west. Indeed, our State's mobilization rate ranked among the highest of all the States on a per-capita basis.

These soldiers were proud to serve, and their communities are proud of them. Across the State, thousands of citizens pitched in to participate in send-off parades, to lend a hand for families who suddenly had to get by without a mom or dad, and even to assist with financial hardships caused by the mobilization. This mobilization was a Statewide effort, in many ways.

South Dakota's Guard and Reserve units provided our active duty forces in Iraq with invaluable support. Many units did not participate directly in combat, which ended more quickly than anyone expected. But we all know that the battle would have been waged much differently if our Guard and Reserve units had not been ready to deploy as needed. Furthermore, we know that some units will play an important role in the work of restoring peace and order to Iraq, as well as rebuilding basic infrastructure. These tasks will be vital to ensuring that Iraq becomes a stable nation, hopefully with a prosperous economy and democratic government. This is how we can win the peace and save future generations from another conflict.

In addition to the service of this particular unit, I want to acknowledge the sacrifices and dedication of the families who stayed home. They are the unsung heroes of any mobilization. They motivate and inspire those who are far from home, and they, too, deserve our gratitude.

Today, I join these families and the State of South Dakota in celebrating the courage, commitment, and success of the members of the 147th Field Artillery, and I honor their participation in this historic event in our Nation's history. Welcome home. Thanks to all of you for your courage, your sacrifice,

and your noble commitment to this country and its ideals.

JOBS AND GROWTH TAX RELIEF RECONCILIATION ACT OF 2003

Mr. KYL. Mr. President, I rise today to express my support for H.R. 2, the Jobs and Growth Tax Relief Reconciliation Act of 2003.

Former President Ronald Reagan often said, "If you want more of something, subsidize it. If you want less of it, tax it." In recent polls, the American people have consistently said they want more job creation and more economic growth. This legislation, which President Bush is expected to sign into law this weekend, is specifically tailored to achieve these very important goals—by reducing taxes in the right way, it will enable businesses to create jobs and it will spur greater economic growth. It will also help American families keep more of their hard-earned money to spend or save, as they see fit.

One of the most important things the legislation does is accelerate the tax rate cuts already scheduled to take effect. In 2001, Congress passed a law that set in motion a series of income tax rate reductions that were scheduled to be phased in over the next several years. Because of the slow phase-in, the 2001 tax cuts had a muted impact on the U.S. economy and taxpayers felt little benefit. The bill we pass today will make all of those rate reductions effective this year. Taxpayers will see their withholding adjusted almost immediately and will begin reaping the benefits right away.

A key component of this provision is that it brings the top tax rate down to 35 percent—the same rate that corporations pay. While opponents claim this will only benefit wealthy taxpayers, I suggest that they look at what kind of taxpayers fall into the top bracket. The overwhelming majority—nearly 80 percent—of taxpayers in the top bracket have small business income. Small businesses, which are pass-through entities that are taxed at individual rates, are responsible for the creation of at least half of all jobs in the economy; reducing their tax burden will help them expand and create more jobs. Fairness and sound economics dictate that we should not tax small businesses at a higher rate than we tax big corporations. This bill fixes this so that the top small business rate will be the same as the top corporate rate.

Our bill also significantly reduces the taxes individuals pay on dividends they receive from corporations. In order to change investment behavior—and we know that the ongoing economic troubles are almost exclusively related to a collapse in business investment, not to a problem of consumer demand—taxpayers must see a meaningful and permanent reduction in rates at the margins. The bill we pass today does that.

Under current law, a corporation pays taxes on its earnings, usually at a rate of 35 percent, and its shareholders

will pay ordinary income rates—currently, the top rate is 38.6 percent, on any dividends distributed by the corporation. President Bush said we should end this double taxation by eliminating entirely the tax on individuals. I fought hard for the original Senate bill that would have done this, and I still believe that is the best tax and economic policy. However, the conferees from the House were unwilling to agree. The compromise we settled on will reduce the individual tax rate for dividends to 15 percent—a significant improvement over current law. I will continue to work to eliminate the double tax on dividends.

The bill we pass today also reduces the capital gains rate from 20 percent to 15 percent, the same rate we will now apply to dividends. I believe this is also good policy and I hope we can work to eliminate the tax on capital gains too. The dividend and capital gains tax relief should boost stock values significantly and should make it much less costly for businesses to expand and create jobs. Nearly 420,000 Arizona taxpayers will benefit from the dividends and capital gains tax relief.

This legislation also includes a number of provisions designed to provide much-needed tax relief to American families. It increases the child tax credit to \$1,000 per child, with a good portion of the tax benefits being sent to families as early as this summer. It also provides additional relief from the marriage penalty. In Arizona alone, nearly 450,000 families will benefit from the child credit increase and more than 600,000 will benefit from the marriage penalty relief.

As I have said, I believe this is a very good bill that will do much to encourage job creation and economic growth, but I believe it could have been better. If the House had been willing to accept some offsets, we could have paid for the \$20 billion in temporary State aid this bill provides. I also believe we should have held firm to the Senate position and eliminated the double tax on dividends. Regardless, I am very proud of the business, individual and family tax relief we have provided in this bill.

ADDITIONAL STATEMENTS

LOCAL LAW ENFORCEMENT ACT OF 2003

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

I would like to bring to my colleagues' attention a landmark report by the American-Arab Anti-Discrimination Committee's Research Institute, ADCRI, entitled, "Report on Hate Crimes and Discrimination Against

Arab Americans: The Post-September 11 Backlash." This report catalogues the experiences of the Arab-American community for the year following the tragic September 11, 2001 terrorist attacks. According to the report, over 700 violent incidents targeting Arab Americans, or those perceived to be Arab Americans, Arabs and Muslims occurred in the 9 weeks following the attacks.

The report demonstrates the profound challenges confronting the Arab-American community, as well as other communities caught up in the post September 11 backlash. However, the report also emphasizes that Americans have consistently demonstrated their commitment to maintaining tolerance and respect for all Americans and that hatred is confined to a distinct minority. It is this minority that breeds hatred and violence against innocent individuals.

I believe that government's first duty is to defend its citizens, to defend us 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. This is a challenge that none of my colleagues should shy away from. •

TRIBUTE TO BRANDON WORKMAN

• Mr. BUNNING. Mr. President, I rise today to honor and pay tribute to Brandon Workman for being named the United States Achievement Academy's United States National Award winner in mathematics. Brandon, who is from May's Lick, KY attends Deming High School and is the son of Shelly Mitchell and Robert Workman.

Brandon's enthusiasm towards hard work and the dedication that he has applied to his academic performance has earned him this distinguished honor. He certainly deserves this honor. Brandon's strong commitment to his peers and to being a better citizen have assured me of his future success to our Commonwealth and Nation.

This award is based upon the recommendations of his school faculty and the high standards set forth by the academy. Brandon, like all other recipients of this award, has proven himself in the classroom and has been recognized by those who teach him and know him the best in the classroom.

The efforts of Brandon Workman should be emulated. Brandon has set an example that should be recognized by high school students throughout Kentucky and across America. I am convinced that he will use his strong abilities to make a difference in our country. I thank the Senate for allowing me to recognize Brandon and voice his praises. •

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to

the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Under the authority of the order of January 7, 2003, the Secretary of the Senate, on January 8, 2003, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills and joint resolution:

H.R. 2. An act to provide for reconciliation pursuant to section 201 of the concurrent resolution on the budget for fiscal year 2004.

H.R. 2185. An act to extend the Temporary Extended Unemployment Compensation Act of 2002.

H.J. Res. 51. A joint resolution increasing the statutory limit on the public debt.

Under the authority of the order of January 7, 2003, enrolled bills were signed by the President pro tempore on May 23, 2003.

At 12:07 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1588. An act to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The following bill was read the first time:

S. 1162. A bill to amend the Internal Revenue Code of 1986 to accelerate the increase in the refundability of the child tax credit, and for other purposes.

REPORTS OF COMMITTEES

Under the authority of the order of the Senate of May 23, 2003, the following reports of committees were submitted on May 29, 2003:

By Mr. LUGAR, from the Committee on Foreign Relations, without amendment:

S. 1160. An original bill to authorize Millennium Challenge assistance, and for other purposes (Rept. No. 108-55).

S. 1161. An original bill to authorize appropriations for foreign assistance programs for fiscal year 2004, and for other purposes (Rept. No. 108-56).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary, with amendments:

S. 274. A bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, 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 Mrs. LINCOLN (for herself, Ms. SNOWE, Mr. WARNER, Mr. ROCKEFELLER, Ms. COLLINS, Mr. REED, Mr. JEFFORDS, Mr. BINGAMAN, Ms. LANDRIEU, Mr. JOHNSON, Mr. HARKIN, Mr. KENNEDY, Mr. PRYOR, Mr. BREAUX, Mr. EDWARDS, Mrs. CLINTON, Mr. CORZINE, Mr. DURBIN, Mr. LIEBERMAN, and Mr. REID):

S. 1162. A bill to amend the Internal Revenue Code of 1986 to accelerate the increase in the refundability of the child tax credit, and for other purposes; read the first time.

By Mrs. HUTCHISON:

S. 1163. A bill to condition receipt of certain State revolving funds on the restriction of development or construction of new colonia and colonia structures along the border between the United States and Mexico; to the Committee on Environment and Public Works.

By Ms. COLLINS (for herself, Mrs. MURRAY, Mr. JEFFORDS, Ms. CANTWELL, and Ms. SNOWE):

S. 1164. A bill to provide for the development and coordination of a comprehensive and integrated United States research program that assists the people of the United States and the world to understand, assess, and predict human-induced and natural processes of abrupt climate change; to the Committee on Commerce, Science, and Transportation.

By Mr. DOMENICI (for himself, Mr. INOUE, Mr. CAMPBELL, and Mr. BINGAMAN):

S. 1165. A bill to amend the Transportation Equity Act for the 21st Century to provide from the Highway Trust Fund additional funding for Indian reservation roads, and for other purposes; to the Committee on Indian Affairs.

By Ms. COLLINS (for herself, Mr. LEVIN, Mr. VOINOVICH, and Mr. SUNUNU):

S. 1166. A bill to establish a Department of Defense national security personnel system and for other purposes; to the Committee on Governmental Affairs.

By Mr. BOND:

S. 1167. A bill to resolve the boundary conflicts in Barry and Stone Counties in the State of Missouri; to the Committee on Energy and Natural Resources.

ADDITIONAL COSPONSORS

S. 171

At the request of Mr. DAYTON, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 171, a bill to amend the title XVIII of the Social Security Act to provide payment to medicare ambulance suppliers of the full costs of providing such services, and for other purposes.

S. 253

At the request of Mr. CAMPBELL, the names of the Senator from Massachu-

setts (Mr. KERRY) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 253, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

S. 271

At the request of Mr. SMITH, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 271, a bill to amend the Internal Revenue Code of 1986 to allow an additional advance refunding of bonds originally issued to finance governmental facilities used for essential governmental functions.

S. 348

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 348, a bill to amend the Internal Revenue Code of 1986 to make higher education more affordable, and for other purposes.

S. 363

At the request of Ms. MIKULSKI, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 363, a bill to amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds \$1,200, adjusted for inflation.

S. 392

At the request of Mr. REID, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of S. 392, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 567

At the request of Ms. SNOWE, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 567, a bill to amend the Federal Water Pollution Control Act to authorize appropriations for sewer overflow control grants.

S. 665

At the request of Mr. GRASSLEY, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 665, a bill to amend the Internal Revenue Code of 1986 to provide tax relief for farmers and fisherman, and for other purposes.

S. 786

At the request of Mr. BINGAMAN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 786, a bill to amend the tem-

porary assistance to needy families program under part A of title IV of the Social Security Act to provide grants for transitional jobs programs, and for other purposes.

S. 787

At the request of Mr. LEAHY, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 787, a bill to provide for the fair treatment of the Federal judiciary relating to compensation and benefits, and to instill greater public confidence in the Federal courts.

S. 816

At the request of Mr. CONRAD, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 816, a bill to amend title XVIII of the Social Security Act to protect and preserve access of medicare beneficiaries to health care provided by hospitals in rural areas, and for other purposes.

S. 847

At the request of Mr. SMITH, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 847, a bill to amend title XIX of the Social Security Act to permit States the option to provide medicaid coverage for low income individuals infected with HIV.

S. 856

At the request of Mr. ROCKEFELLER, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 856, a bill to amend the Internal Revenue Code of 1986 to expand the incentives for the construction and renovation of public schools.

S. 884

At the request of Ms. LANDRIEU, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 884, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 922

At the request of Mr. REID, the names of the Senator from Indiana (Mr. LUGAR), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 922, a bill to change the requirements for naturalization through service in the Armed Forces of the United States, to extend naturalization benefits to members of the Selected Reserve of the Ready Reserve of a reserve component of the Armed Forces, to extend posthumous benefits to surviving spouses, children, and parents, and for other purposes.

S. 939

At the request of Mr. HAGEL, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 939, a bill to amend part B of the Individuals with Disabilities Education

Act to provide full Federal funding of such part, to provide an exception to the local maintenance of effort requirements, and for other purposes.

S. 959

At the request of Mr. INHOFE, the names of the Senator from Kansas (Mr. BROWNBACK), the Senator from Texas (Mr. CORNYN) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 959, a bill to limit the age restrictions imposed by the Administrator of the Federal Aviation Administration for the issuance or renewal of certain airman certificates, and for other purposes.

S. 977

At the request of Mr. FITZGERALD, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 977, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage from treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

S. 982

At the request of Mrs. BOXER, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Missouri (Mr. TALENT) were added as cosponsors of S. 982, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and hold Syria accountable for its role in the Middle East, and for other purposes.

S. 1015

At the request of Mr. GREGG, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1015, a bill to authorize grants through the Centers for Disease Control and Prevention for mosquito control programs to prevent mosquito-borne diseases, and for other purposes.

S. 1019

At the request of Mr. DEWINE, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1019, a bill to amend titles 10 and 18, United States Code, to protect unborn victims of violence.

S. 1036

At the request of Mr. ALLARD, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1036, a bill to provide for a multi-agency cooperative effort to encourage further research regarding the causes of chronic wasting disease and methods to control the further spread of the disease in deer and elk herds, to monitor the incidence of the disease, to support State efforts to control the disease, and for other purposes.

S. 1046

At the request of Mr. HOLLINGS, the name of the Senator from Arkansas

(Mr. PRYOR) was added as a cosponsor of S. 1046, a bill to amend the Communications Act of 1934 to preserve localism, to foster and promote the diversity of television programming, to foster and promote competition, and to prevent excessive concentration of ownership of the nation's television broadcast stations.

S. 1076

At the request of Mr. HAGEL, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 1076, a bill to authorize construction of an education center at or near the Vietnam Veterans Memorial.

S. 1110

At the request of Mr. BINGAMAN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1110, a bill to amend the Trade Act of 1974 to provide trade adjustment assistance for communities, and for other purposes.

S. 1126

At the request of Mr. JOHNSON, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 1126, a bill to establish the Office of Native American Affairs within the Small Business Administration, to create the Native American Small Business Development Program, and for other purposes.

S.J. RES. 7

At the request of Ms. LANDRIEU, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S.J. Res. 7, a joint resolution proposing an amendment to the Constitution of the United States relative to the reference to God in the Pledge of Allegiance and on United States currency.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. LINCOLN (for herself, Ms. SNOWE, Mr. WARNER, Mr. ROCKEFELLER, Ms. COLLINS, Mr. REED, Mr. JEFFORDS, Mr. BINGAMAN, Ms. LANDRIEU, Mr. JOHNSON, Mr. HARKIN, Mr. KENNEDY, Mr. PRYOR, Mr. BREAUX, Mr. EDWARDS, Mrs. CLINTON, Mr. CORZINE, Mr. DURBIN, Mr. LIEBERMAN, and Mr. REID):

S. 1162. A bill to amend the Internal Revenue Code of 1986 to accelerate the increase in the refundability of the child tax credit, and for other purposes; read the first time.

Mrs. LINCOLN. M. President, I am proud to introduce today the Working Taxpayer Fairness Restoration Act. I offer this bill on behalf of the nearly 12 million children who were left behind when President Bush signed the 2003 tax bill.

The bill that I am introducing, with many of my good friends, including Senators SNOWE, WARNER and JEFFORDS, will restore a provision left on the cutting-room floor when House and Senate leaders finalized the conference

report on the tax cut. Our bill will restore the advanced refundability of the child tax credit.

My friend from Maine and I have worked since 2001 to ensure that all working families benefit from the child tax credit. We worked to ensure in the 2001 tax cut that the child tax credit was refundable. During Finance Committee deliberations on this year's tax bill, I successfully offered an amendment that would have advanced the refundability of the child tax credit. Regrettably, that provision was dropped in conference.

Unless we pass the bill that I am introducing today, families with incomes between \$10,500 and \$26,625 will not get the \$400 checks that will be mailed in July as part of the 2003 tax bill. Since nearly half the taxpayers in Arkansas have adjusted gross incomes less than \$20,000, Arkansas families are among the hardest hit by this omission in the new tax law.

Consider this: The base pay for a private in the military is just under \$16,000 per year. The average Arkansas firefighter makes between \$22,000 and \$25,000 a year. Many of those enlisted men, who could be given a few days' notice before being shipped off to war, and those firefighters, who could get no more than a few minutes' notice before rushing into a terrorist attack, have families. They work hard to support their families and to protect us. Yet they got left out when negotiators shook hands over the final tax bill.

I wasn't in the room during those negotiations in the dark of night, and I understand that very few of my colleagues were. But we are here today, united in our effort to fight for these working families.

Advancing the refundable portion of the child credit to cover these families will cost only \$3.5 billion—just 1 percent of the entire cost of the tax cut. This measure had strong bipartisan support in the Senate, and I was proud to play a leading role to expand the children tax credit in the Senate bill. I'm glad to have bipartisan support in my effort today to restore this provision.

We will pay for this tax relief for working families by shutting down some Enron-related tax shelters. This pay-for was included in the Senate version of the 2003 tax bill, so it has already received the blessing of a majority of the Senate.

Especially as our nation contends with a sluggish economy, we should ensure that everyone benefits from the tax cut. After all, buying blue jeans for schoolchildren, washing powder for the laundry or tires for the car costs just as much for a family making \$20,000 a year as it does for a family making \$100,000. If we want to get our economy back on track, we need to make sure that we're putting money into the pockets of consumers who will spend it.

This isn't about partisanship—as is evidenced by the cosponsors of this bill—it is about doing what's right for

families who may need a little extra help. We should fix this problem immediately. Let's make these families a priority now.

By Mrs. HUTCHISON:

S. 1163. A bill to condition of receipt certain State revolving funds on the restriction of development or construction of new colonia and colonia structures along the border between the United States and Mexico; to the Committee on Environment and Public Works.

Mrs. HUTCHISON. Mr. President, today I rise to introduce a bill to improve the deplorable housing situation on the U.S. border with Mexico. In Texas along the 1,248 mile stretch from Cameron County to El Paso County, there are more than 1,400 colonias, or underdeveloped subdivisions, that suffer from such conditions as open sewage, a lack of indoor plumbing, and poor housing construction. These colonias are the most distressed areas in the country, yet despite terrible living conditions, they have grown in population. The legislation I introduce today, along with the Colonias Gateway Initiative Act which I am sponsoring, will go a long way toward eliminating the substandard living conditions that should not exist here in the United States of America.

This legislation will prohibit Federal funding for counties and municipal governments that refuse to enforce reasonable rules to prevent the development or construction of any new colonias that lack water, wastewater, and other basic infrastructure needs. I have inserted and the Senate has passed this exact language into the VA-HUD Appropriations bill every year since fiscal year 2001.

In 1993, I visited with a woman named Elida Bocanegra, who led me through the streets of the colonia where she lived. Elida showed me her community, which lacked paved roads, wastewater facilities and running water. Quite frankly, I could not believe I was in America. After that experience, the first amendment I offered as a U.S. Senator authorized \$50 million for a colonias clean-up project. Since my election to the U.S. Senate, I have worked to improve the quality of life and ensure fundamental services are provided for people like Elida, helping to secure more than \$615 million for the colonias of my state.

This act will ensure that colonias lacking water and wastewater facilities will be a thing of the past, and the neediest people along our border with Mexico will have the basic necessities to live. 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. 1163

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RESTRICTION ON DEVELOPMENT AND CONSTRUCTION OF NEW COLONIAS AREAS.

(a) DEFINITIONS.—In this section:
(1) COLONIA.—The term “colonia” means any identifiable community that—

(A) is located in the State of Arizona, California, New Mexico, or Texas;

(B) is located in the United States-Mexico border region;

(C) is determined by a State referred to in subparagraph (A) to be a colonia on the basis of objective criteria, including a lack of—

(i) a potable water supply;

(ii) adequate sewage systems; and

(iii) decent, safe, and sanitary housing; and

(D) before the date of enactment of this Act, was in existence and generally recognized as a colonia by the State.

(2) SECRETARY.—The term “Secretary” means the Secretary of Housing and Urban Development.

(3) UNITED STATES-MEXICO BORDER REGION.—

(A) IN GENERAL.—The term “United States-Mexico border region” means the area of the United States located within 150 miles of the border between the United States and Mexico.

(B) EXCLUSION.—The term “United States-Mexico border region” does not include any standard metropolitan statistical area with a population that is greater than 1,000,000, as determined by the Secretary.

(b) RESTRICTION ON DEVELOPMENT AND CONSTRUCTION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, beginning for the fiscal year in which this Act is enacted, and for each fiscal year thereafter, no State referred to in subsection (a)(1)(A) shall receive a capitalization grant for the fiscal year under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) or section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j-12) unless the State, to the satisfaction of the Secretary, requires each county and municipal government in the United States-Mexico border region in the State to establish and enforce an ordinance or rule described in paragraph (2).

(2) ORDINANCE OR RULE.—An ordinance or rule referred to in paragraph (1) is an ordinance or rule that prohibits the development or construction of any new colonia, or the construction of any new structure in a colonia, that lacks water, wastewater, or other necessary infrastructure required—

(A) to comply with—

(i) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

(ii) the Safe Drinking Water Act (42 U.S.C. 300f et seq.); and

(B) to address the water infrastructure needs of the colonia or structure.

By Mr. DOMENICI (for himself,
Mr. INOUE, Mr. CAMPBELL, and
Mr. BINGAMAN:

S. 1165. A bill to amend the Transportation Equity Act for the 21st Century to provide from the Highway Trust Fund additional funding for Indian reservation roads, and for other purposes; to the Committee on Indian Affairs.

Mr. DOMENICI. Mr. President, I rise today to introduce the American Indian Reservation Transportation Improvement Program Act. I am pleased to be joined, as I have been each time that I have introduced legislation dealing with the Indian Reservation Roads program, by my good friends, Senators INOUE and CAMPBELL. I am confident that we will replicate the success we have had in our previous endeavors to improve this important program.

In 1982, when I served on the Senate Environment and Public Works Committee, several members of the Navajo Nation Tribal Council Committee on Transportation approached me with an interesting proposition. These Navajo Councilmen believed that the time had come for Indian tribes to participate directly in our National Highway Trust Fund programs.

I agreed with these gentlemen, the Senate agreed with me, and the Congress and President Reagan approved Indian tribal participation in the U.S. Department of Transportation highway construction program for the first time in our Nation's history.

By the mid-1980's, Indian Reservation Roads, IRR, funding was at about \$100 million per year nationwide. By the late 1980's, however, IRR funding fell to about \$80 million per year. In ISTEA, for the early 1990's, we were able to raise this critical highway construction funding to about \$190 million per year.

Then, in TEA-21, The Transportation Equity Act for the 21st Century, we succeeded in bringing annual IRR funding up to \$275 million for fiscal years 1999 through 2003.

As we seek to promote economic opportunities on our Nation's tribal reservations, I believe it is imperative that we once again increase this vital infrastructure funding. I am aware that the National Congress of American Indians, NCAI, is recommending a large jump to \$500 million per year for the construction program; \$100 million for an Indian transit program; \$50 million for Indian bridges; \$70 million, plus \$26 million in Interior funding, for road maintenance; and several other additions for a total of \$907 million in DOT funds in FY2004. By the year FY2009, the NCAI recommendations would exceed \$1.4 billion annually.

While I am sympathetic to the need for such large increases, I am keenly aware of competing needs around the country for medical research, economic stimulus, and for our national defense, to name just a few. Therefore, I am compelled to recommend increases for the IRR program that are more likely to win acceptance among my colleagues.

For highway construction, I am recommending an immediate increase of \$55 million in the first year to a new total of \$330 million. My bill would then increase the amount for construction by \$30 million each year so that the program receives \$480 million in the final year of the authorization. For the Indian bridge program, I am recommending \$15 million per year, an increase of \$6 million annually. And for State roads that serve as key bus routes for Indian children, primarily on our Nation's largest Indian reservation—the Navajo Nation—I am recommending increasing this vital funding from \$1.5 million per year to \$3 million in fiscal years 2004 and 2005, to \$4 million in fiscal years 2006 and 2007, and \$5 million for fiscal years 2008 and 2009.

My final recommendation is to create a rural transit program for Indian Reservations. Because the Federal Highway Administration and the Federal Transit Administration each have their areas of expertise that can make such a program a success, my legislation will require the two agencies to work together for the benefit of the tribes who participate in this program. My suggestion is to fund this program at \$20 million.

In closing, I want to thank the Navajo Nation Transportation Committee and the tribal transportation department for keeping me informed of their progress and continuing needs. I believe my bill will be a positive answer to their requests. In addition, the Pueblo Indians and Apache Indians of New Mexico have continuing development needs, including new and improved roads to reach their many attractions for tourists and other visitors.

I ask my colleagues to join me in increasing the Indian Reservation Roads program funds in our Federal Highways Programs to the degree I have requested in this bill. I thank my colleagues and urge their support for these increases as we reauthorize TEA-21 for six more years.

I ask unanimous consent the text of this bill be printed in the RECORD.

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

S. 1166

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 "American Indian Reservation Transportation Improvement Program Act".

SEC. 2. INDIAN RESERVATION ROADS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1101(a)(8)(A) of the Transportation Equity Act for the 21st Century (112 Stat. 112) is amended by striking "of such title" and all that follows and inserting "of that title—

- "(i) \$225,000,000 for fiscal year 1998;
- "(ii) \$275,000,000 for each of fiscal years 1999 through 2003;
- "(iii) \$330,000,000 for fiscal year 2004;
- "(iv) \$360,000,000 for fiscal year 2005;
- "(v) \$390,000,000 for fiscal year 2006;
- "(vi) \$420,000,000 for fiscal year 2007;
- "(vii) \$450,000,000 for fiscal year 2008; and
- "(viii) \$480,000,000 for fiscal year 2009."

(b) ADDITIONAL AUTHORIZATION OF CONTRACT AUTHORITY FOR STATES WITH INDIAN RESERVATIONS.—Section 1214(d)(5)(A) of the Transportation Equity Act for the 21st Century (23 U.S.C. 202 note; 112 Stat. 206) is amended by inserting before the period at the end the following: ", \$3,000,000 for each of fiscal years 2004 and 2005, \$4,000,000 for each of fiscal years 2006 and 2007, and \$5,000,000 for each of fiscal years 2008 and 2009".

(c) INDIAN RESERVATION ROAD BRIDGES.—Section 202(d)(4)(B) of title 23, United States Code, is amended—

(1) by striking "(B) RESERVATION.—Of the amounts" and all that follows through "to replace," and inserting the following:

"(B) FUNDING.—
"(i) RESERVATION OF FUNDS.—Notwithstanding any other provision of law, there is authorized to be appropriated from the High-

way Trust Fund \$15,000,000 for each of fiscal years 2004 through 2009 to carry out planning, design, engineering, preconstruction, construction, and inspection of projects to replace,"; and

(2) by adding at the end the following:

"(ii) AVAILABILITY.—Funds made available to carry out this subparagraph—

"(I) shall be available for obligation in the same manner as if the funds were apportioned under chapter 1; and

"(II) shall not be used to pay any administrative costs."

SEC. 3. INDIAN RESERVATION RURAL TRANSIT PROGRAM.

Section 5311 of title 49, United States Code, is amended by adding at the end the following:

"(k) INDIAN RESERVATION RURAL TRANSIT PROGRAM.—

"(1) DEFINITIONS.—In this subsection:

"(A) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

"(B) RESERVATION.—The term 'reservation' means—

"(i) an Indian reservation in existence as of the date of enactment of this subsection;

"(ii) a public domain Indian allotment; and

"(iii) an Indian reservation in the State of Oklahoma that existed at any time before, but is no longer in existence as of, the date of enactment of this subsection.

"(C) SECRETARY.—The term 'Secretary' means the Secretary of Transportation, acting through the Administrator of the Federal Highway Administration.

"(2) PROGRAM.—The Secretary shall establish and carry out a program to provide competitive grants to Indian tribes to establish rural transit programs on reservations or other land under the jurisdiction of the Indian tribes.

"(3) COOPERATION.—The Secretary shall—

"(A) establish and maintain intra-agency cooperation between the Federal Highway Administration and the Federal Transit Administration in—

"(i) administering tribal transit programs funded by the Federal Highway Administration; and

"(ii) exploring options for the transfer of funds from the Federal Highway Administration to the Federal Transit Administration for the direct funding of tribal transit programs; and

"(B) establish and maintain working relationships with representatives of regional tribal technical assistance programs to ensure proper administration of ongoing and future tribal transit programs carried out using Federal funds.

"(4) FUNDING.—Notwithstanding any other provision of law, for each fiscal year, of the amount made available to carry out this section under section 5338 for the fiscal year, the Secretary shall use \$20,000,000 to carry out this subsection."

By Ms. COLLINS (for herself, Mr. LEVIN, Mr. VOINOVICH, and Mr. SUNUNU):

S. 1166. A bill to establish a Department of Defense national security personnel system and for other purposes; to the Committee on Government Affairs.

Ms. COLLINS. Mr. President, I ask unanimous consent that the text of the bill, the "National Security Personnel System Act," be printed in the RECORD.

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

S. 1166

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 "National Security Personnel System Act".

SEC. 2. DEPARTMENT OF DEFENSE NATIONAL SECURITY PERSONNEL SYSTEM.

(a) IN GENERAL.—(1) Subpart I of part III of title 5, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 99—DEPARTMENT OF DEFENSE NATIONAL SECURITY PERSONNEL SYSTEM

"Sec.

"9901. Definitions.

"9902. Establishment of human resources management system.

"9903. Contracting for personal services.

"9904. Attracting highly qualified experts.

"9905. Special pay and benefits for certain employees outside the United States.

"§ 9901. Definitions

"For purposes of this chapter—

"(1) the term 'Director' means the Director of the Office of Personnel Management; and

"(2) the term 'Secretary' means the Secretary of Defense.

"§ 9902. Establishment of human resources management system

"(a) IN GENERAL.—Notwithstanding any other provision of this part, the Secretary may, in regulations prescribed jointly with the Director, establish a human resources management system for some or all of the organizational or functional units of the Department of Defense. The human resources system established under authority of this section shall be referred to as the 'National Security Personnel System'.

"(b) SYSTEM REQUIREMENTS.—The National Security Personnel System established under subsection (a) shall—

"(1) be flexible;

"(2) be contemporary;

"(3) not waive, modify, or otherwise affect—

"(A) the public employment principles of merit and fitness set forth in section 2301, including the principles of hiring based on merit, fair treatment without regard to political affiliation or other nonmerit considerations, equal pay for equal work, and protection of employees against reprisal for whistleblowing;

"(B) any provision of section 2302, relating to prohibited personnel practices;

"(C)(i) any provision of law referred to in section 2302(b)(1), (8), and (9); or

"(ii) any provision of law implementing any provision of law referred to in section 2302(b)(1), (8), and (9) by—

"(I) providing for equal employment opportunity through affirmative action; or

"(II) providing any right or remedy available to any employee or applicant for employment in the public service;

"(D) any other provision of this part (as described in subsection (c)); or

"(E) any rule or regulation prescribed under any provision of law referred to in this paragraph; and

"(4) not be limited by any specific law, authority, rule, or regulation prescribed under this title that is waived in regulations prescribed under this chapter.

"(c) OTHER NONWAIVABLE PROVISIONS.—The other provisions of this part referred to in subsection (b)(3)(D) are (to the extent not otherwise specified in this title)—

"(1) subparts A, B, E, G, and H of this part; and

"(2) chapters 41, 45, 47, 55, 57, 59, 71, 72, 73, and 79, and this chapter.

“(d) LIMITATIONS RELATING TO PAY.—(1) Nothing in this section shall constitute authority to modify the pay of any employee who serves in an Executive Schedule position under subchapter II of chapter 53 of this title.

“(2) Except as provided for in paragraph (1), the total amount in a calendar year of allowances, differentials, bonuses, awards, or other similar cash payments paid under this title to any employee who is paid under section 5376 or 5383 of this title or under title 10 or under other comparable pay authority established for payment of Department of Defense senior executive or equivalent employees may not exceed the total annual compensation payable to the Vice President under section 104 of title 3.

“(e) PROVISIONS TO ENSURE COLLABORATION WITH EMPLOYEE REPRESENTATIVES.—(1) In order to ensure that the authority of this section is exercised in collaboration with, and in a manner that ensures the participation of, employee representatives in the planning, development, and implementation of the National Security Personnel System, the Secretary and the Director shall provide for the following:

“(A) The Secretary and the Director shall, with respect to any proposed system or adjustment—

“(i) provide to the employee representatives representing any employees who might be affected a written description of the proposed system or adjustment (including the reasons why it is considered necessary);

“(ii) give such representatives at least 30 calendar days (unless extraordinary circumstances require earlier action) to review and make recommendations with respect to the proposal; and

“(iii) give any recommendations received from such representatives under clause (ii) full and fair consideration in deciding whether or how to proceed with the proposal.

“(B) Following receipt of recommendations, if any, from such employee representatives with respect to a proposal described in subparagraph (A), the Secretary and the Director shall accept such modifications to the proposal in response to the recommendations as they determine advisable and shall, with respect to any parts of the proposal as to which they have not accepted the recommendations—

“(i) notify Congress of those parts of the proposal, together with the recommendations of the employee representatives;

“(ii) meet and confer for not less than 30 calendar days with the employee representatives, in order to attempt to reach agreement on whether or how to proceed with those parts of the proposal; and

“(iii) at the Secretary's option, or if requested by a majority of the employee representatives participating, use the services of the Federal Mediation and Conciliation Service during such meet and confer period to facilitate the process of attempting to reach agreement.

“(C)(i) Any part of the proposal as to which the representatives do not make a recommendation, or as to which the recommendations are accepted by the Secretary and the Director, may be implemented immediately.

“(ii) With respect to any parts of the proposal as to which recommendations have been made but not accepted by the Secretary and the Director, at any time after 30 calendar days have elapsed since the initiation of the congressional notification, consultation, and mediation procedures set forth in subparagraph (B), if the Secretary, in his discretion, determines that further consultation and mediation is unlikely to produce agreement, the Secretary may implement any or all of such parts (including any modi-

fications made in response to the recommendations as the Secretary determines advisable), but only after 30 days have elapsed after notifying Congress of the decision to implement the part or parts involved (as so modified, if applicable).

“(iii) The Secretary shall notify Congress promptly of the implementation of any part of the proposal and shall furnish with such notice an explanation of the proposal, any changes made to the proposal as a result of recommendations from the employee representatives, and of the reasons why implementation is appropriate under this subparagraph.

“(D) If a proposal described in subparagraph (A) is implemented, the Secretary and the Director shall—

“(i) develop a method for the employee representatives to participate in any further planning or development which might become necessary; and

“(ii) give the employee representatives adequate access to information to make that participation productive.

“(2) The Secretary may, at the Secretary's discretion, engage in any and all collaboration activities described in this subsection at an organizational level above the level of exclusive recognition.

“(3) In the case of any employees who are not within a unit with respect to which a labor organization is accorded exclusive recognition, the Secretary and the Director may develop procedures for representation by any appropriate organization which represents a substantial percentage of those employees or, if none, in such other manner as may be appropriate, consistent with the purposes of this subsection.

“(f) PAY-FOR-PERFORMANCE EVALUATION SYSTEM.—(1) The National Security Personnel System established in accordance with this chapter shall include a pay-for-performance evaluation system to better link individual pay to performance and provide an equitable method for appraising and compensating employees.

“(2) The regulations implementing this chapter shall—

“(A) group employees into pay bands in accordance with the type of work that such employees perform and their level of responsibility;

“(B) establish a performance rating process, which shall include, at a minimum—

“(i) rating periods;

“(ii) communication and feedback requirements;

“(iii) performance scoring systems;

“(iv) a system for linking performance scores to salary increases and performance incentives;

“(v) a review process;

“(vi) a process for addressing performance that fails to meet expectations; and

“(vii) a pay-out process;

“(C) establish an upper and lower salary level for each pay band;

“(D) ensure that performance objectives are established for individual position assignments and position responsibilities; and

“(E) establish performance factors to be used to evaluate the accomplishment of performance objectives and ensure that comparable scores are assigned for comparable performance, while accommodating diverse individual objectives.

“(3) For fiscal years 2004 through 2008, the overall amount allocated for compensation of the civilian employees of an organizational or functional unit of the Department of Defense that is included in the National Security Personnel System shall not be less than the amount of civilian pay that would have been allocated to such compensation under the General Schedule system, based on—

“(A) the number and mix of employees in such organizational or functional unit prior to the conversion of such employees to the National Security Personnel System; and

“(B) adjusted for normal step increases and rates of promotion that would have been expected, had such employees remained in the General Schedule system.

“(4) The regulations implementing the National Security Personnel System shall provide a formula for calculating the overall amount to be allocated for fiscal years after fiscal year 2008 for compensation of the civilian employees of an organizational or functional unit of the Department of Defense that is included in the National Security Personnel System. The formula shall ensure that such employees are not disadvantaged in terms of the overall amount of pay available as a result of conversion to the National Security Personnel System, while providing flexibility to accommodate changes in the function of the organization, changes in the mix of employees performing those functions, and other changed circumstances that might impact pay levels.

“(5) Funds allocated for compensation of the civilian employees of an organizational or functional unit of the Department of Defense in accordance with paragraph (3) or (4) may not be made available for any other purpose unless the Secretary of Defense determines that such action is necessary in the national interest and submits a reprogramming notification in accordance with established procedures.

“(g) PERFORMANCE MANAGEMENT SYSTEM.—The Secretary of Defense shall develop and implement for organizational and functional units included in the National Security Personnel System, a performance management system that includes—

“(1) adherence to merit principles set forth in section 2301;

“(2) a fair, credible, and equitable system that results in meaningful distinctions in individual employee performance;

“(3) a link between the performance management system and the agency's strategic plan;

“(4) a means for ensuring employee involvement in the design and implementation of the system;

“(5) adequate training and retraining for supervisors, managers, and employees in the implementation and operation of the performance management system;

“(6) a process for ensuring ongoing performance feedback and dialogue between supervisors, managers, and employees throughout the appraisal period, and setting timetables for review;

“(7) effective transparency and accountability measures to ensure that the management of the system is fair, credible, and equitable, including appropriate independent reasonableness, reviews, internal grievance procedures, internal assessments, and employee surveys; and

“(8) a means for ensuring that adequate agency resources are allocated for the design, implementation, and administration of the performance management system.

“(h) PROVISIONS REGARDING NATIONAL LEVEL BARGAINING.—(1) The National Security Personnel System implemented or modified under this chapter may include employees of the Department of Defense from any bargaining unit with respect to which a labor organization has been accorded exclusive recognition under chapter 71 of this title.

“(2) For issues impacting more than 1 bargaining unit so included under paragraph (1), the Secretary may bargain at an organizational level above the level of exclusive recognition. Any such bargaining shall—

“(A) be binding on all subordinate bargaining units at the level of recognition and

their exclusive representatives, and the Department of Defense and its subcomponents, without regard to levels of recognition;

“(B) supersede all other collective bargaining agreements, including collective bargaining agreements negotiated with an exclusive representative at the level of recognition, except as otherwise determined by the Secretary; and

“(C) not be subject to further negotiations for any purpose, including bargaining at the level of recognition, except as provided for by the Secretary.

“(3) The National Guard Bureau and the Army and Air Force National Guard are excluded from coverage under this subsection.

“(4) Any bargaining completed pursuant to this subsection with a labor organization not otherwise having national consultation rights with the Department of Defense or its subcomponents shall not create any obligation on the Department of Defense or its subcomponents to confer national consultation rights on such a labor organization.

“(i) PROVISIONS RELATING TO APPELLATE PROCEDURES.—(1) The Secretary—

“(A) may establish an appeals process that provides employees of the Department of Defense organizational and functional units that are included in the National Security Personnel System fair treatment in any appeals that they bring in decisions relating to their employment; and

“(B) shall in prescribing regulations for any such appeals process—

“(i) ensure that employees in the National Security Personnel System are afforded the protections of due process; and

“(ii) toward that end, be required to consult with the Merit Systems Protection Board before issuing any such regulations.

“(2) Regulations implementing the appeals process may establish legal standards for adverse actions to be taken on the basis of employee misconduct or performance that fails to meet expectations. Such standards shall be consistent with the public employment principles of merit and fitness set forth in section 2301. Legal standards and precedents applied before the effective date of this section by the Merit Systems Protection Board and the courts under chapters 75 and 77 of this title shall apply to employees of organizational and functional units included in the National Security Personnel System, unless such standards and precedents are inconsistent with legal standards established under this paragraph.

“(3) An employee who is adversely affected by a final decision under the appeals process established under paragraph (1) shall have the right to petition the Merit Systems Protection Board for review of that decision. The Board may dismiss any petition that, in the view of the Board, does not raise substantial questions of fact or law. No personnel action shall be stayed and no interim relief shall be granted during the pendency of the Board's review unless specifically ordered by the Board.

“(4) The Board shall order such corrective action as the Board considers appropriate if the Board determines that the decision was—

“(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

“(B) obtained without procedures required by law, rule, or regulation having been followed; or

“(C) unsupported by substantial evidence.

“(5) An employee who is adversely affected by a final order or decision of the Board may obtain judicial review of the order or decision as provided in section 7703. The Secretary of Defense may obtain judicial review of any final order or decision of the Board under the same terms and conditions as provided for the Director of the Office of Personnel Management under section 7703.

“(6) Nothing in this subsection shall be construed to authorize the waiver of any provision of law, including an appeals provision providing a right or remedy under section 2302(b) (1), (8), or (9), that is not otherwise waivable under subsection (a).

“(j) PHASE-IN.—(1) The Secretary of Defense is authorized to apply the National Security Personnel System established in accordance with subsection (a) to organizational or functional units including—

“(A) up to 120,000 civilian employees of the Department of Defense in fiscal year 2004;

“(B) up to 240,000 civilian employees of the Department of Defense in fiscal year 2005; and

“(C) more than 240,000 civilian employees in a fiscal year after fiscal year 2005, if the Secretary of Defense determines in accordance with subsection (a) that the Department has in place—

“(i) a performance management system that meets the criteria specified in subsection (g); and

“(ii) a pay formula that meets the criteria specified in subsection (f).

“(2) Civilian employees in organizational or functional units participating in Department of Defense personnel demonstration projects shall be counted as participants in the National Security Personnel System for the purpose of the limitations established under paragraph (1).

“(k) PROVISIONS RELATED TO SEPARATION AND RETIREMENT INCENTIVES.—(1) The Secretary may establish a program within the Department of Defense under which employees may be eligible for early retirement, offered separation incentive pay to separate from service voluntarily, or both. This authority may be used to reduce the number of personnel employed by the Department of Defense or to restructure the workforce to meet mission objectives without reducing the overall number of personnel. This authority is in addition to, and notwithstanding, any other authorities established by law or regulation for such programs.

“(2)(A) The Secretary may not authorize the payment of voluntary separation incentive pay under paragraph (1) to more than 10,000 employees in any fiscal year, except that employees who receive voluntary separation incentive pay as a result of a closure or realignment of a military installation under the Defense Base Closure and Realignment Act of 1990 (title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) shall not be included in that number.

“(B) The Secretary shall prepare a report each fiscal year setting forth the number of employees who received such pay as a result of a closure or realignment of a military base as described under subparagraph (A).

“(C) The Secretary shall submit the report under subparagraph (B) to—

“(i) the Committee on the Armed Services and the Committee on Government Affairs of the Senate; and

“(ii) the Committee on Armed Services and the Committee on Government Reform of the House of Representatives.

“(3) For purposes of this section, the term ‘employee’ means an employee of the Department of Defense, serving under an appointment without time limitation, except that such term does not include—

“(A) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of this title, or another retirement system for employees of the Federal Government;

“(B) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under any of the retirement systems referred to in paragraph (1); or

“(C) for purposes of eligibility for separation incentives under this section, an em-

ployee who is in receipt of a decision notice of involuntary separation for misconduct or unacceptable performance.

“(4) An employee who is at least 50 years of age and has completed 20 years of service, or has at least 25 years of service, may, pursuant to regulations promulgated under this section, apply and be retired from the Department of Defense and receive benefits in accordance with chapter 83 or 84 if the employee has been employed continuously within the Department of Defense for more than 30 days before the date on which the determination to conduct a reduction or restructuring within 1 or more Department of Defense components is approved pursuant to the system established under subsection (a).

“(5)(A) Separation pay shall be paid in a lump sum or in installments and shall be equal to the lesser of—

“(i) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of this title, if the employee were entitled to payment under such section; or

“(ii) \$25,000.

“(B) Separation pay shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit. Separation pay shall not be taken into account for the purpose of determining the amount of any severance pay to which an individual may be entitled under section 5595 of this title, based on any other separation.

“(C) Separation pay, if paid in installments, shall cease to be paid upon the recipient's acceptance of employment by the Federal Government, or commencement of work under a personal services contract as described in paragraph (5).

“(6) An employee who receives separation pay under this section on the basis of a separation occurring on or after the date of the enactment of the Federal Workforce Restructuring Act of 1994 (Public Law 103-236; 108 Stat. 111) and accepts employment with the Government of the United States, or who commences work through a personal services contract with the United States within 5 years after the date of the separation on which payment of the separation pay is based, shall be required to repay the entire amount of the separation pay to the Department of Defense. If the employment is with an Executive agency (as defined by section 105 of this title) other than the Department of Defense, the Director may, at the request of the head of that agency, waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position. If the employment is within the Department of Defense, the Secretary may waive the repayment if the individual involved is the only qualified applicant available for the position. If the employment is with an entity in the legislative branch, the head of the entity or the appointing official may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position. If the employment is with the judicial branch, the Director of the Administrative Office of the United States Courts may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

“(7) Under this program, early retirement and separation pay may be offered only pursuant to regulations established by the Secretary, subject to such limitations or conditions as the Secretary may require.

“(l) PROVISIONS RELATING TO HIRING.—Notwithstanding subsection (c), the Secretary may exercise any hiring flexibilities that would otherwise be available to the Secretary under section 4703(a)(1). Veterans shall be offered preference in hiring.

§ 9903. Contracting for personal services

“(a) OUTSIDE THE UNITED STATES.—The Secretary may contract with individuals for services to be performed outside the United States as determined by the Secretary to be necessary and appropriate for supporting the activities and programs of the Department of Defense outside the United States.

“(b) NO FEDERAL EMPLOYEES.—Individuals employed by contract under subsection (a) shall not, by virtue of such employment, be considered employees of the United States Government for the purposes of—

“(1) any law administered by the Office of Personnel Management; or

“(2) under the National Security Personnel System established under this chapter.

“(c) APPLICABILITY OF LAW.—Any contract entered into under subsection (a) shall not be subject to any statutory provision prohibiting or restricting the use of personal service contracts.

§ 9904. Attracting highly qualified experts

“(a) IN GENERAL.—The Secretary may carry out a program using the authority provided in subsection (b) in order to attract highly qualified experts in needed occupations, as determined by the Secretary.

“(b) AUTHORITY.—Under the program, the Secretary may—

“(1) appoint personnel from outside the civil service and uniformed services (as such terms are defined in section 2101 of this title) to positions in the Department of Defense without regard to any provision of this title governing the appointment of employees to positions in the Department of Defense;

“(2) prescribe the rates of basic pay for positions to which employees are appointed under paragraph (1) at rates not in excess of the maximum rate of basic pay authorized for senior-level positions under section 5376 of this title, as increased by locality-based comparability payments under section 5304 of this title, notwithstanding any provision of this title governing the rates of pay or classification of employees in the executive branch; and

“(3) pay any employee appointed under paragraph (1) payments in addition to basic pay within the limits applicable to the employee under subsection (d).

“(c) LIMITATION ON TERM OF APPOINTMENT.—(1) Except as provided in paragraph (2), the service of an employee under an appointment made pursuant to this section may not exceed 5 years.

“(2) The Secretary may, in the case of a particular employee, extend the period to which service is limited under paragraph (1) by up to 1 additional year if the Secretary determines that such action is necessary to promote the Department of Defense's national security missions.

“(d) LIMITATIONS ON ADDITIONAL PAYMENTS.—(1) The total amount of the additional payments paid to an employee under this section for any 12-month period may not exceed the lesser of the following amounts:

“(A) \$50,000 in fiscal year 2004, which may be adjusted annually thereafter by the Secretary, with a percentage increase equal to one-half of 1 percentage point less than the percentage by which the Employment Cost Index, published quarterly by the Bureau of Labor Statistics, for the base quarter of the year before the preceding calendar year exceeds the Employment Cost Index for the base quarter of the second year before the preceding calendar year.

“(B) The amount equal to 50 percent of the employee's annual rate of basic pay.

For purposes of this paragraph, the term ‘base quarter’ has the meaning given such term by section 5302(3).

“(2) An employee appointed under this section is not eligible for any bonus, monetary

award, or other monetary incentive for service except for payments authorized under this section.

“(3) Notwithstanding any other provision of this subsection or of section 5307, no additional payments may be paid to an employee under this section in any calendar year if, or to the extent that, the employee's total annual compensation will exceed the maximum amount of total annual compensation payable at the salary set in accordance with section 104 of title 5.

“(e) LIMITATION ON NUMBER OF HIGHLY QUALIFIED EXPERTS.—The number of highly qualified experts appointed and retained by the Secretary under subsection (b)(1) shall not exceed 300 at any time.

“(f) SAVINGS PROVISIONS.—In the event that the Secretary terminates this program, in the case of an employee who, on the day before the termination of the program, is serving in a position pursuant to an appointment under this section—

“(1) the termination of the program does not terminate the employee's employment in that position before the expiration of the lesser of—

“(A) the period for which the employee was appointed; or

“(B) the period to which the employee's service is limited under subsection (c), including any extension made under this section before the termination of the program; and

“(2) the rate of basic pay prescribed for the position under this section may not be reduced as long as the employee continues to serve in the position without a break in service.

§ 9905. Special pay and benefits for certain employees outside the United States

“The Secretary may provide to certain civilian employees of the Department of Defense assigned to activities outside the United States as determined by the Secretary to be in support of Department of Defense activities abroad hazardous to life or health or so specialized because of security requirements as to be clearly distinguishable from normal Government employment—

“(1) allowances and benefits—

“(A) comparable to those provided by the Secretary of State to members of the Foreign Service under chapter 9 of title I of the Foreign Service Act of 1980 (Public Law 96-465, 22 U.S.C. 4081 et seq.) or any other provision of law; or

“(B) comparable to those provided by the Director of Central Intelligence to personnel of the Central Intelligence Agency; and

“(2) special retirement accrual benefits and disability in the same manner provided for by the Central Intelligence Agency Retirement Act (50 U.S.C. 2001 et seq.) and in section 18 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403r).”

(2) The table of chapters for part III of such title is amended by adding at the end of subpart I the following new item:

“99. Department of Defense National Security Personnel System 9901”.

(b) IMPACT ON DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL.—(1) Any exercise of authority under chapter 99 of such title (as added by subsection (a)), including under any system established under such chapter, shall be in conformance with the requirements of this subsection.

(2) No other provision of this Act or of any amendment made by this Act may be construed or applied in a manner so as to limit, supersede, or otherwise affect the provisions of this section, except to the extent that it does so by specific reference to this section.

(c) EXTERNAL THIRD-PARTY REVIEW OF LABOR-MANAGEMENT DISPUTES.—Chapter 71 of title 5, United States Code is amended—

(1) in section 7105(a), by adding at the end the following:

“(3)(A) In carrying out subparagraphs (C), (D), (E), (F), and (H) of paragraph (2), in matters that involve agencies and employees of the Department of Defense, the Authority shall take final action within 180 days after the filing of a charge, unless—

“(i) there is express approval of the parties to extend the 180-day period; or

“(ii) the Authority extends the 180-day period under subparagraph (B).

“(B) In cases raising significant issues that involve agencies and employees of the Department of Defense, the Authority may extend the time limit under subparagraph (A), and the time limits under sections 7105(e)(1), 7105(f) and 7118(a)(9) of this title, if the Authority gives notice to the public of the opportunity for interested persons to file amicus curiae briefs.”;

(2) in section 7105(e), by adding at the end the following:

“(3) If a representation inquiry or election involves employees of the Department of Defense, the regional director shall, absent express approval from the parties, complete the tasks delegated to the regional authority under paragraph (1) within 180 days after the delegation.”;

(3) in section 7105(f)—

(A) by inserting “(1)” after “(f)”;

(B) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(C) by adding at the end the following:

“(2) In any dispute that involves agencies and employees within the Department of Defense, if review is granted, the Authority action to affirm, modify, or reverse any action shall, absent express approval from the parties, be completed within 120 days after the grant of review.”;

(4) in section 7118(a), by adding at the end the following:

“(9)(A) Any individual conducting a hearing described in paragraph (7) or (8), involving an unfair labor practice allegation within the Department of Defense, shall complete the hearing and make any determinations within 180 days after the filing of a charge under paragraph (1). The Authority's review of any such determinations shall, absent express approval from the parties, be completed within 180 days after the filing of any exceptions.

“(B) The 180-day periods under subparagraph (A) shall apply, unless there is express approval of the parties to extend a period.”; and

(5) in section 7119(c)(5)(C), by adding at the end the following: “The Panel shall, absent express approval from the parties, take final action within 180 days after being presented with an impasse between agencies and employees within the Department of Defense.”.

SEC. 3. MILITARY LEAVE FOR MOBILIZED FEDERAL CIVILIAN EMPLOYEES.

(a) IN GENERAL.—Subsection (b) of section 6323 of title 5, United States Code, is amended—

(1) in paragraph (2)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and at the end of clause (ii), as so redesignated, by inserting “or”; and

(B) by inserting “(A)” after “(2)”;

(2) by inserting the following before the text beginning with “is entitled”:

“(B) performs full-time military service as a result of a call or order to active duty in support of a contingency operation as defined in section 101(a)(13) of title 10.”;

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to military service performed on or after the date of the enactment of this Act.

By Mr. BOND:

S. 1167. A bill to resolve the boundary conflicts in Barry and Stone Counties in the State of Missouri; to the Committee on Energy and Natural Resources.

Mr. BOND. Mr. President, I rise today to introduce legislation to resolve the unfortunate boundary line disputes in Southwest Missouri that have resulted from conflicting Federal Government land surveys performed by the U.S. Army Corps of Engineers and the United States Forest Service, USFS, respectively. The land involving these disputed property lines is located in the vicinity of the Cassville District of the Mark Twain National Forest in Barry and Stone Counties adjacent to Table Rock Lake.

During the 1970's, the U.S. Army Corps of Engineers, through various private land surveyors, surveyed this area around Table Rock Lake. In its surveys, the Corps found that most of the original "corner monuments" or boundary lines laid out by the U.S. General Land Office, GLO, in its original land surveys performed in the 1840's were either lost, stolen or had eroded over the years. Because of this, Corps surveyors used existing de-facto land markers in the vicinity of the original GLO monuments as the basis for its new survey. Prior to the Corps surveys, these defacto monuments were recognized by local surveyors as legitimate boundary markers and were used in survey after survey over the decades.

For almost 30 years, private landowners in Barry and Stone Counties bought and sold their land based on the surveys performed by the Corps in the 1970's. However, several years ago, the USFS performed new land surveys using surveying technology that had only recently become available. As a result of these new surveys, the USFS now claims that the boundary lines in its surveys conflict with the boundary lines established in the previous corps surveys. In addition to this, the USFS has announced that the Corps surveys are incorrect and that property lines all over this area are in the wrong place.

Because of these new revelations, many private property owners in the vicinity of the Mark Twain National Forest, who bought and paid for their land in good faith based on a previous Federal Government survey, are now being told that they have encroached on USFS land.

USFS has begun telling these private landowners that their land now belongs to the Federal Government, and that they will have to reimburse the USFS for the Federal land that the landowners now occupy. Naturally, these actions have produced chaos, confusion and anger among landowners in these two counties.

Needless to say, it is inherently unfair and absolutely devoid of any common sense to expect private landowners to compensate the Federal Government for land that they have al-

ready purchased simply because the government has changed its collective mind about where Federal property begins and ends.

Over the past 18 months, I have repeatedly asked the USFS and the Army Corps of Engineers to work together to find a solution that would resolve this problem. Unfortunately, after 18 months of debate and disagreement, the Corps of Engineers and the USFS have been unable to agree on a resolution of this problem. In the meantime, the lives of many of these Missouri residents continue to be disrupted.

Therefore, I have concluded that Federal legislation represents the only feasible solution to this boundary problem. This legislation authorizes the Secretary of the Agriculture to convey, without consideration, title to land in which there is a boundary conflict, with adjoining federal land, to private landowners, who can demonstrate a claim of ownership because they relied on a subsequent land survey approved by the Federal Government.

AMENDMENTS SUBMITTED & PROPOSED

SA 840. Mr. DOMENICI (for himself and Mr. BINGAMAN) proposed an amendment to the bill S. 14, to enhance the energy security of the United States, and for other purposes.

SA 841. Mr. DOMENICI (for Mr. GREGG (for himself, Mr. KENNEDY, Mr. ALEXANDER, Mr. DODD, Ms. COLLINS, and Mr. REED)) proposed an amendment to amendment SA 840 proposed by Mr. DOMENICI (for himself and Mr. BINGAMAN) to the bill S. 14, supra.

SA 842. Mr. MCCONNELL (for Mr. HATCH) proposed an amendment to the resolution S. Res. 136, recognizing the 140th anniversary of the founding of the Brotherhood of Locomotive Engineers, and congratulating members and officers of the Brotherhood of Locomotive Engineers for the union's many achievements.

TEXT OF AMENDMENTS

SA 840. Mr. DOMENICI (for himself and Mr. BINGAMAN) proposed an amendment to the bill S. 14, to enhance the energy security of the United States, and for other purposes, as follows:

At the appropriate place in the bill, insert the following new title:

TITLE XII—STATE ENERGY PROGRAMS

SEC. 1201. LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM.

(a) HOME ENERGY GRANTS.—Section 2602(b) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621(b)) is amended by striking "each of the fiscal years 2002 through 2004" and inserting "fiscal years 2002 and 2003, and \$3,400,000,000 for each of fiscal years 2004 through 2006."

(b) STATE ALLOTMENTS.—Section 2604(e) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(e)) is amended—

- (1) by inserting after (e) "(1)";
- (2) striking "or any other program;" and
- (3) adding at the end the following:

"(2) Notwithstanding any other provisions of this subsection, the Governor of a State may apply to the Secretary for certification of an emergency in that State and an allotment of amounts appropriated pursuant to section 2602(e).

"(3) The Secretary shall, in consultation with the Department of Energy and States, adopt by rule procedures for the equitable consideration of such applications. Such procedures shall require—

"(A) consideration of each of the elements of the definition of "emergency" in section 2603;

"(B) consideration of differences between geographic regions including: sources of energy supply for low-income households, relative price trends for sources of home energy supply, and relevant weather-related factors including drought; and

"(C) that the Secretary shall grant such applications within 30 days unless the Secretary certifies in writing that none of the emergency conditions defined in section 2603 have been demonstrated."

(c) REPORT ON METHODOLOGY.—

(1) Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to Congress a report that makes recommendations regarding the methodology for allocating funds to States to carry out the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.).

(2) In preparing the report, the Secretary of Health and Human Services shall—

(A) use the latest, best available statistical data and model to develop the recommendations for the methodology; and

(B) recommend a methodology that—

(i) consists of a mechanism that uses estimates of expenditures for energy consumption (measured in British thermal units) for low-income households in each State, for each source of heating or cooling in residential dwellings; and

(ii) employs the latest available annually updated heating and cooling degree day and fuel price information available (for coal, electricity, fuel oil, petroleum gas, and natural gas) at the State level.

(3) In preparing the report, the Secretary of Health and Human Services shall consult with appropriate officials in each of the 50 States and the District of Columbia.

(4) There are authorized to be appropriated to carry out this subsection such sums as may be necessary for each of fiscal years 2004 through 2006.

(d) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall transmit to Congress a report on the programmatic impacts of using the National Academy of Science's poverty measure with different equivalence scale, known as DES, to determine low-income households.

SEC. 1202. WEATHERIZATION ASSISTANCE PROGRAM.

(a) ELIGIBILITY.—Section 412 of the Energy Conservation and Production Act (42 U.S.C. 6862) is amended—

(1) in paragraph (7)(A), by striking "125" and inserting "150"; and

(2) in paragraph (7)(C), by striking "125" and inserting "150".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 422 of the Energy Conservation and Production Act (42 U.S.C. 6872) is amended by striking the period at the end and inserting ", \$325,000,000 for fiscal year 2004, \$400,000,000 for fiscal year 2005, and \$500,000,000 for fiscal year 2006."

SEC. 1203. STATE ENERGY PLANS.

(a) STATE ENERGY CONSERVATION PLANS.—Section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322) is amended by inserting at the end the following new subsection:

"(g) The Secretary shall, at least once every 3 years, invite the Governor of each State to review, and, if necessary, review the energy conservation plan of such State submitted under subsection (b) or (e). Such reviews should consider the energy conservation plans of other States within the region,

and identify opportunities and actions carried out in pursuit of common energy conservation goals.”.

(b) **STATE ENERGY EFFICIENCY GOALS.**—Section 364 of the Energy Policy and Conservation Act (42 U.S.C. 6324) is amended to read as follows:

“STATE ENERGY EFFICIENCY GOALS

“SEC. 364. Each State energy conservation plan with respect to which assistance is made available under this part on or after the date of enactment of this title shall contain a goal, consisting of an improvement of 25 percent or more in the efficiency of use of energy in the State concerned in calendar year 2010 as compared to calendar year 1990, and may contain interim goals.”.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—Section 365(f) of the Energy Policy and Conservation Act (42 U.S.C. 6325(f)) is amended by striking the period at the end and inserting “, \$100,000,000 for each of fiscal years 2004 and 2005 and \$125,000,000 for fiscal year 2006.”.

SA 841. Mr. DOMENICI (for Mr. GREGG (for himself, Mr. KENNEDY, Mr. ALEXANDER, Mr. DODD, Ms. COLLINS, and Mr. REED)) proposed an amendment to amendment SA 840 proposed by Mr. DOMENICI (for himself and Mr. BINGAMAN) to the bill S. 14, to enhance the energy security of the United States, and for other purposes; as follows:

Strike section 1201 (relating to the Low-Income Home Energy Assistance Program) and insert the following:

SEC. 1201. SENSE OF THE SENATE REGARDING THE REAUTHORIZATION OF THE LOW-INCOME HOME ENERGY ASSISTANCE ACT OF 1981.

(a) **FINDINGS.**—The Senate finds that—

(1) the Low-Income Home Energy Assistance Program (referred to in this section as “LIHEAP”) is the primary Federal program available to help low-income households, individuals with disabilities, and senior citizens meet their home energy bills and maintain their health and well-being;

(2) home energy costs are unaffordable for many low-income households, individuals with disabilities, and senior citizens living on fixed incomes;

(3) those households often carry a higher energy burden than most United States households, spending up to 20 percent of their household income on home energy bills;

(4) States provided more than 4,000,000 households with LIHEAP assistance in 2002;

(5) LIHEAP is currently able to serve only 15 percent of the 30,000,000 households who are income-eligible for assistance under LIHEAP; and

(6) the Committee on Health, Education, Labor, and Pensions has jurisdiction over the Low-Income Home Energy Assistance Act of 1981, which provides authority for LIHEAP, and is working towards reauthorizing the Act prior to its expiration in 2004.

(b) **SENSE OF THE SENATE.**—It is the sense of the Senate that, when the Committee on Health, Education, Labor, and Pensions reauthorizes the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.), the committee should consider increasing the authorization of appropriations under section 2602(b) of that Act (42 U.S.C. 8621(b)) to \$3,400,000,000, in order to better serve the needs of low-income and other eligible households.

SA 842. Mr. MCCONNELL (for Mr. HATCH) proposed an amendment to the resolution S. Res. 136, recognizing the 140th anniversary of the founding of

the Brotherhood of Locomotive Engineers, and congratulating members and officers of the Brotherhood of Locomotive Engineers for the union’s many achievements; as follows:

Strike all after the resolving clause and insert the following: “That the Senate—

“(1) recognizes that unions have made tremendous contributions to the structural development and building of the United States, and to the well-being of tens of thousands of workers;

“(2) congratulates unions for their many achievements and the strength of their members; and

“(3) expects that unions will continue their dedicated work and will have an even greater impact in the 21st century and beyond, and will enhance the standard of living and working environment for rail workers and other laborers in generations to come.”.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Tuesday, June 3, 2003 at 10 a.m. in room 485 of the Russell Senate Office Building to conduct an oversight hearing on the Status of Tribal Fish and Wildlife Management Programs.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that the following hearing has been scheduled before the Subcommittee on National Parks of the Committee on Energy and Natural Resources:

June 3, 2003 at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC. The purpose of the hearing is to receive testimony on the following bills: S. 268, authorizes the Pyramid of Remembrance Foundation to establish a memorial in the District of Columbia and its environs to honor members of the Armed Forces of the United States who have lost their lives during peacekeeping operations, humanitarian efforts, training, terrorist attacks, or covert operations; S. 296, to require the Secretary of Defense to report to Congress regarding the requirements applicable to the inscription of veterans’ names on the memorial wall of the Vietnam Veterans Memorial; S. 470, to extend the authority for the construction of a memorial to Martin Luther King, Jr.; and S. 1076, to authorize construction of an education center at or near the Vietnam Veterans Memorial.

Because of the limited time available for the hearings, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD-364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact: Tom Lillie at (202) 224-5161 or Pete Lucero at (202) 224-6293.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, June 4, 2003 at 10 a.m. in room 485 of the Russell Senate Office Building to conduct a hearing on Proposals to Amend the Indian Reservation Roads Program—S. 281, the Indian Tribal Surface Transportation Improvement Act of 2003, and S. 725, the Tribal Transportation Program Improvement Act of 2003.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, June 4, 2003 at 2 p.m. in room 485 of the Russell Senate Office Building to conduct an oversight hearing on Impacts on Tribal Fish and Wildlife Management Programs in the Pacific Northwest.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that the following hearing has been scheduled before the Subcommittee on National Parks of the Committee on Energy and Natural Resources.

June 10, 2003 at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC. The purpose of the hearing is to receive testimony on the following bills: S. 499, to authorize the American Battle Monuments Commission to establish in the State of Louisiana a memorial to honor the Buffalo Soldiers; S. 546, to provide for the protection of paleontological resources on Federal lands, and for other purposes; S. 643, to authorize the Secretary of the Interior, in cooperation with the University of New Mexico, to construct and occupy a portion of the Hibben Center for Archaeological Research at the University of New Mexico, and for other purposes; S. 677, to revise the boundary of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area in the State of Colorado, and for other purposes; S. 1060 and H.R. 1577, to designate the visitors’ center at Organ Pipe Cactus National Monument, Arizona, as the “Kris Eggle Visitors’ Center”; H.R. 255, to authorize the Secretary of the Interior to grant an easement to facilitate access to the Lewis and Clark Interpretive Center in Nebraska City, Nebraska; and H.R. 1012, to establish the Carter G. Woodson Home National Historic Site in the District of Columbia, and for other purposes.

Because of the limited time available for the hearings, witnesses may testify

by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD-364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact Tom Lillie at (202) 224-5161 or Pete Lucero at (202) 224-6293.

HONORING UNION CONTRIBUTIONS TO THE DEVELOPMENT AND BUILDING OF THE UNITED STATES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate vitiate action on S. Res. 136 and that the Senate proceed to its immediate consideration; further, that the amendment that is at the desk be agreed to and the resolution, as amended, be agreed to.

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

The amendment (No. 842) was agreed to, as follows:

(Purpose: To honor the contributions of all unions to the development and building of the United States, and for other purposes)

Strike all after the resolving clause and insert the following: "That the Senate—

"(1) recognizes that unions have made tremendous contributions to the structural development and building of the United States, and to the well-being of tens of thousands of workers;

"(2) congratulates unions for their many achievements and the strength of their members; and

"(3) expects that unions will continue their dedicated work and will have an even greater impact in the 21st century and beyond, and will enhance the standard of living and working environment for rail workers and other laborers in generations to come."

The resolution (S. Res. 136), as amended, was agreed to.

MEASURE READ THE FIRST TIME—S. 1162

Mr. MCCONNELL. Mr. President, I understand that S. 1162, introduced ear-

lier today by Senator LINCOLN and others, is at the desk, and I ask for its first reading.

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

The bill clerk read as follows:

A bill (S. 1162) to amend the Internal Revenue Code of 1986 to accelerate the increase in the refundability of the child tax credit, and for other purposes.

Mr. MCCONNELL. Mr. President, I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will remain at the desk.

ORDERS FOR TUESDAY, JUNE 3, 2003

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m., Tuesday, June 3. 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 resume consideration of Calendar No. 79, S. 14, the Energy bill. I further ask unanimous consent that the Senate recess from 12:30 p.m. to 2:15 p.m. for the weekly party lunches.

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

PROGRAM

Mr. MCCONNELL. Mr. President, for the information of all Senators, tomorrow morning the Senate will resume consideration of S. 14, the Energy bill. There are currently two LIHEAP amendments pending to the bill, as well as the bipartisan ethanol amendment. At this time, I urge any Member who wishes to offer an amendment to the bill to contact Chairman DOMENICI or the ranking member of the Energy Committee so they may schedule a

time for consideration of the amendment. Members should expect rollcall votes tomorrow. It is anticipated that we will be able to dispose of several energy amendments during tomorrow's session. Members will be notified when the first vote is scheduled.

For the remainder of the week, the Senate will continue the consideration of the Energy bill and complete action on the Department of Defense authorization bill. Therefore, Members should expect rollcall votes each day this week.

ADJOURNMENT UNTIL 10 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 3:50 p.m., adjourned until Tuesday, June 3, 2003, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate June 2, 2003:

DEPARTMENT OF JUSTICE

KAREN P. TANDY, OF VIRGINIA, TO BE ADMINISTRATOR OF DRUG ENFORCEMENT; VICE ASA HUTCHINSON.

EXECUTIVE OFFICE OF THE PRESIDENT

JOSETTE SHEERAN SHINER, OF VIRGINIA, TO BE A DEPUTY UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR, VICE JON M. HUNTSMAN, JR.

WITHDRAWAL

Executive message transmitted by the President to the Senate on June 02, 2003, withdrawing from further Senate consideration the following nomination:

DEE ANN MCWILLIAMS, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (HUMAN RESOURCES AND ADMINISTRATION), WHICH WAS SENT TO THE SENATE ON MARCH 24, 2003. ○