



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

Vol. 149

WASHINGTON, TUESDAY, SEPTEMBER 2, 2003

No. 118

House of Representatives

The House was not in session today. Its next meeting will be held on Wednesday, September 3, 2003, at 2 p.m.

Senate

TUESDAY, SEPTEMBER 2, 2003

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

The PRESIDENT pro tempore. The prayer will be offered by our Chaplain.

PRAYER

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

Almighty and everlasting God, the strength of all who trust You, as we begin, again, Freedom's business, we thank You for divine protection. Remind us daily that righteousness exalts a nation but that sin brings reproach to any people. Guide our leaders today that their words and thoughts may be acceptable in Your sight. Lord, keep our feet on the plain path of duty, and may our lives glorify Your name. May each of us remember that You are the sure rock upon which we can stand, even when the future seems uncertain. Give us the wisdom to trust You to order our steps. Amen.

PLEDGE OF ALLEGIANCE

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

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

RESERVATION OF LEADER TIME

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

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

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

The legislative clerk read as follows:

A resolution (H.R. 2660) making appropriations for the Department of Labor, Health and Human Services, and Education, and related agencies for fiscal year ending September 30th, 2004, and for other purposes.

The PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, on behalf of the majority leader, I have been asked to make his introductory statement, and as indicated by the President pro tempore, we are taking up H.R. 2660, which is the appropriations bill for the Department of Labor, Health and Human Services, and Education.

As a procedural matter, in accordance with the custom of the Senate, I ask unanimous consent that all after the enacting clause be stricken and the text of Calendar No. 175, S. 1356, the Senate committee-reported bill, be inserted in lieu thereof, and the bill, as amended, be considered as original text for purpose of further amendment, and that no points of order be waived by reason of this agreement.

The PRESIDENT pro tempore. Is there an objection?

Mr. REID. On behalf of two Senators, I object.

The PRESIDENT pro tempore. The objection is heard.

Mr. SPECTER. Mr. President, the bill which we are considering today is the largest of all of the appropriations bills, consisting of some \$472 billion, even larger than the Defense appropriations bill, although a major portion of that is on mandatory spending—Medicare, Medicaid, family assistance, and other mandatory provisions—which leaves \$137.6 billion to fund the three departments: the Department of Labor, the Department of Health and Human Services, and the Department of Education.

The amount of the discretionary spending is \$380 million below the President's budget request and \$435 billion below the amount the House of Representatives had to spend on Labor, HHS, and Education programs.

It is important to note that the House and Senate bills also have an additional \$2.2 billion in fiscal year 2004 which was achieved by pushing back advanced appropriations from fiscal year 2004 to fiscal year 2003.

On August 1, the last day of the session before the August recess, the majority leader, Senator FRIST, and I had a brief colloquy where the majority leader announced at that time for the information of all Senators and others that the first order of business of 9:30 on Tuesday, September 2nd, would be this appropriations bill. The Senate has an enormous agenda to take up during the month of September. As is well known, the fiscal year ends on September 30th and if there is to be any realistic chance of completing all 13 appropriations bills, with only two having been completed so far—the Department of Defense appropriation and

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



Printed on recycled paper.

S10941

the military construction bill—we are going to have to take up these bills in an orderly and expeditious way. When I say “expeditious,” I do not mean in a hurried way. It is a matter of taking up the amendments so we can move through them.

In advance of the August 1st departure date, I conferred with the distinguished ranking member, Senator HARKIN, who agreed with that approach. I conferred with the ranking member of the full committee, Senator BYRD, who agreed with that approach. I conferred with the chairman of the full committee, the distinguished President pro tempore, about the processing of this bill. I talked to many of the Senators on both sides of the aisle who would be expected to offer amendments. It is my hope amendments will be offered, that we can work through time agreements. The distinguished assistant leader of the Democrats is here and has been very diligent in moving the legislative matters through. It would be my hope we would have the amendments come to the floor, offered, that we could get time agreements, and we could proceed to vote on whatever amendments may be offered.

I am advised by staff there are 45 amendments pending—amendments which we know about. That is a large number but it is well known that amendments tend to be refined as Members consider the matters.

We have a major job ahead of us. But it would not be out of reason to consider amendments today. We are advised that two Senators on the other side of the aisle have amendments which they are prepared to offer. If those come to fruition, we can move right ahead with the debate at an early point.

In the colloquy on August 1, reflected in the CONGRESSIONAL RECORD, I made a point that the grave difficulties which I have seen in my tenure in the Senate occur when the quorum calls consume a great deal of the Senate's time, when those two lights are on, signifying that there is no business pending before the Senate. I expressed the view that if Senators were not prepared to offer amendments, that the majority leader ought to consider moving to third reading, that is final passage, and try to move the bill along.

I fully understand that requires co-operation from the other side of the aisle. If the other side of the aisle decides we are not to move to third reading, there are ample procedures available to preclude the majority from moving to third reading. But, having given that notice more than a month ago that we would be taking the bill up at this time, 9:30 on September 2, and that the expectation was to move ahead, if we were to have any chance of completing the appropriations bills by September 30 that this bill would have to serve as a flagship for the month of September.

I might add that the Senate has a very crowded agenda. There is already

considerable speculation in the media about what will happen in the Congress, the House and the Senate, now that we are back from the August recess and we face many contentious matters.

There is no doubt that an overlay, the international issue of Iraq, is very much on all of our minds. I was very glad to see the Bush administration sent a signal 10 days ago that there would be consideration to United Nations participation in Iraq. The precise formula was not indicated. I think that can be achieved, maintaining U.S. military command.

There have been strong requests for a statement from the administration as to what Iraq is going to cost. All of us would like to know what those parameters are and what the expenses are going to be. That is a difficult matter to calculate because of the uncertainties over Iraq in so many respects.

There are efforts being made to bring other nations into the operation there, into the policing operation, and a special effort to bring in Muslim nations, Pakistan and Turkey illustratively, to give the Arab world more confidence as to what is going on. Certainly, if we are successful in bringing other nations in, that will have a material impact on what the cost will be to the United States.

Beyond the issues of Iraq and other matters for the Department of State on international expenditures, there is the issue of prescription drugs, where legislation has been passed by both the House and the Senate which will have to be submitted to conference.

The Energy bills will be a major matter with Congress really on the spot to respond to the blackouts affecting 50 million people. From the Judiciary Committee where I serve, there are a number of matters which will be coming to the floor, litigation matters, most prominent of which is the legislation pending on asbestos. A bill was reported out of committee, largely along party lines.

During the month of August, considerable work has been done by many of us, including an effort to bring in a very distinguished Federal judge, Edward R. Becker, Chief Judge Emeritus of the Third Circuit, to analyze the issues in an effort to be helpful. Obviously the matter is a congressional matter, but Chief Judge Becker has special expertise in the field by virtue of being the judge who wrote the major opinion on the issue of class certification. That is mentioned as one of the many items.

The key to the success of our Senate will turn on getting started with this bill and moving ahead. I think it is not unreasonable to think, if we have co-operation on all sides, that this is a matter which could be completed during the course of this week.

The bill which is now before the Senate contains funding for medical research in the amount of \$27.9 billion for the National Institutes of Health. This

is \$1 billion over the fiscal year 2003 appropriation, and will continue the work of thousands of researchers across the United States.

The distinguished ranking member of this subcommittee, Senator HARKIN, and I have taken the lead in the course of the past 5 years in more than doubling the allocations on the National Institutes of Health, from \$12 billion to more than \$27 billion. The increase of \$1 billion is a sum which I personally would like to see increased. We are considering an amendment which would have a significant increase in the National Institutes of Health funding.

When you take a look at the diseases which are affected, they touch virtually all Americans either directly or through families or close friends: autism, stroke, Alzheimer's, Parkinson's, spinal muscular atrophy, scleroderma, multiple sclerosis, muscular dystrophy, diabetes, amyotrophic lateral sclerosis, heart disease, arthritis, schizophrenia, Cooley's anemia, kidney disorders, spinal cord injury, cancers of many varieties, including but not limited to breast, cervical, lymphoma, prostate, pancreatic, brain, lung, and colon.

The increases in funding here have had a very material effect for enormous advances in research which moves toward the prevention or cure of many of these matters.

This bill includes \$944 million for obesity prevention and nutrition initiatives. We see more and more that there is a need for programs designed to increase physical activity, promote healthy lifestyles and good nutritional benefits. This is an increase of some \$34.2 million over funds available for fiscal year 2003.

In the course of the preparation of this budget, obviously the subcommittee and then the full committee have considered a wide range of priorities. I think it should be noted that when there is the contention raised about cuts in the funding for this subcommittee, it is not accurate. For fiscal year 2003, the total discretionary budget was \$134.6 billion. The total budget for fiscal year 2004, which we are considering today, as I have said, is \$137.6 billion. So that is essentially flat funding but not a decrease.

My preference would have been to have had a significant increase in the funding for this subcommittee, as I argued in the full committee, and repeat that argument here on the floor. But we live within the constraints of the budget resolution which was enacted and with the allocations which have been made pursuant to the budget resolution. So on some of these items there are increases, on some of these items there are decreases, but the overall budget does not have a cut. It is essentially flat.

The budget also contains \$63 billion for the prevention and reversal of heart disease. Americans of all ages live with the effects of cardiovascular disease. Heart disease is the Nation's No. 1 killer, with over 960,000 deaths attributed

to this disease each year. To address this initiative, the bill includes \$5.7 billion for cardiovascular research, prevention, and education.

That is obviously an increase which we think is well warranted by the impact of heart disease on the lives of Americans.

The bill includes \$4.6 billion for programs for the Centers for Disease Control and Prevention. It includes \$250 million to continue planning, design, and construction of new facilities, as well as repair and renovations of the existing structures.

Several years ago I made a trip to Atlanta to the Centers for Disease Control because I had heard a great deal about the deplorable conditions there. I found that was true. Senator HARKIN made a similar visit. Upon returning, we added \$170 million to the funding. In the ensuing years, we added \$250 million in each of 2 years. This is the third year for this increase in funding.

The Centers for Disease Control is at the forefront of so much of what we are doing trying to combat AIDS worldwide, dealing with the SARS epidemic, and planning for potential terrorist attacks. The Centers for Disease Control is one of the areas which urgently requires adequate funding.

This bill also contains funding for infectious disease initiatives. More than 35 new emerging infectious diseases were identified between 1973 and the year 2000. Recent experiences with the West Nile virus, SARS, and monkey pox illustrate the vital need to strengthen this Nation's capacity to identify and combat emerging infectious diseases. The bill includes \$2.2 billion to improve United States research capabilities and to detect and control emerging infectious disease threats in the United States and around the world.

Also included in the bill is funding for the National Cord Blood Stem Cell Bank Program—some \$10 million to create a National Cord Blood Stem Cell Bank to be used for patients who need transplants but lack suitable family donors. The stem cells found in cord blood are useful in treating a variety of blood disorders.

Following a report from the Institute of Medicine, the subcommittee took the lead in appropriating funds to deal with medical errors reduction. This bill contains \$84 million, an increase of \$29 million over the previous year's amount, to determine ways to reduce medical errors.

I note the presence on the floor of the distinguished ranking member of the full committee. I think it might be appropriate to try to move the sequencing along, so I am going to interrupt my opening statement so I can confer with the Senator from West Virginia.

Mr. REID. Mr. President, if the Senator will allow me to say a few remarks prior to that without the RECORD appearing interrupted.

Mr. SPECTER. Mr. President, I am delighted to yield to the distinguished assistant leader of the Democrats.

Mr. REID. I thank the Senator very much.

Mr. President, let me say first of all that the Senator from Pennsylvania and the Senator from Iowa have done remarkably important work over the last many years on this most important piece of legislation which we have to move every year. They have done tremendous work for the National Institutes of Health and for the Centers for Disease Control. I think we owe them a debt of gratitude for recognizing the problems which we have and which have been addressed.

Let me say very briefly that if we maintain the schedule we have now had for this entire year where we have very few votes on Fridays—if we have votes, they are usually inconsequential—and we have no votes until late Monday, we can't do all the work that needs to be done. Everyone might as well acknowledge that. We work here on a 3-day workweek basically. That is what we have been working on. We can't do the nine appropriations bills that need to be done and the mass of other very important legislation. Once we get the bills passed, we have to do the conferences and bring those back. We have the important bills that are already in conference that are nonappropriations matters. Of course, we have the three appropriations bills in conference. But we have lots of things to do. I just alert everyone that it can't be done on a 3-day workweek.

I think it is very important to note that today there will be no votes. Yesterday was an important holiday. There were parades around the country and other festivities that Members of the Senate and House were involved in.

This bill is extremely important. It is a difficult bill. We are going to cooperate in any way we can.

We do have one procedural problem. I don't know how long it will take to work that out. We have the overtime amendment which the Senator from Pennsylvania is aware of. It will take some time.

We also have the Leave No Child Behind Program. I spoke to the State legislature in Nevada in February and said unless something happened we would be leaving lots of children behind. The State of Nevada and other States are really in deep trouble in education because the Federal Government is not doing what it needs to do.

There will be a series of amendments. They are 60-vote amendments. We have to go through those. At the present time, we have about 40 amendments, most of which are Democrat amendments. We acknowledge that. We are going to be as positive and as cooperative as we can be on this legislation, recognizing that it is a difficult bill.

I think realistically, I say to my friend from Pennsylvania, who is much more experienced than I, having been here as long as he has been, it is going to be extremely difficult to finish this bill this week. Today is Tuesday. There are no votes today. We have Wednesday

and Thursday. Unless we suddenly adopt a new procedure where we work more than 3 days a week—we will not be doing anything on Friday, but we are willing to work with the Senator from Pennsylvania and the Senator from Iowa.

Senator DASCHLE indicated to me this bill is important and that we have to work in any way we can to move it along, and we will do that.

The PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank the distinguished assistant leader for the Democrats for those comments. I know from working with Senator REID for many years that he is consistently cooperative. I agree with his characterization of the importance of this bill and the complexity of the bill.

When he commented about 40 amendments mostly from that side of the aisle, that is consistent with the preliminary report which I have heard. It also accurately states that the amendments are 60-vote amendments, as required under the budget resolution.

When he comments about my greater experience, I may have been here a little longer, but I don't have any more experience than Senator REID does. Those who have been in the Senate or who have observed the Senate know we have an amazing capacity for moving promptly when we decide to do so and when we decide to make relevant comments. If we can stay on the bill, I think we ought to take whatever time we need on this bill. I don't disagree with that a bit. But it is possible to work out time agreements. I do not disagree with the statement of the Senator from Nevada that it would be difficult—perhaps even unlikely—to finish the bill this week. But it can be done. The last time I managed this bill was in June of 2000. We finished the bill on June 28 in advance of the conventions that year. When this Senate starts to move in a definitive way, this Senate has the capacity to move expeditiously.

I had been in the middle of my opening statement and had come to a number of the main categories. But I am going to abbreviate this opening statement because I have conferred with the distinguished Senator from West Virginia, the ranking member of the full committee, who has advised that he is prepared to move immediately with an amendment.

To repeat, there is nothing like using the time on the Senate floor for amendments as opposed to statements. As important as opening statements are to the bill's managers, an opening statement is a statement. And if we move to amendments, I think that would be the most effective use of the Senate's time.

We might also be establishing a new record on moving to an amendment within a half hour of the opening of the Senate, especially on a day when, as the majority leader announced, there

will be no rollcall votes. But any amendments which will have votes ordered on will be taken up according to the majority leader's schedule, no earlier than tomorrow.

I yield the floor to the distinguished Senator from West Virginia.

The PRESIDENT pro tempore. The Senator from West Virginia.

Mr. BYRD. Mr. President, I am delighted to see my friend. I have several friends in the Senate, but there is one very special friend of mine who is presently in the chair. He is the President pro tempore of the Senate and a man who is well equipped for that position. He has had a long service in the Senate and, of course, long service on the Appropriations Committee. He has been chairman. He has been ranking member. He is the chairman of the Appropriations Committee now. I speak of course of my dear friend, the distinguished senior Senator from Alaska, TED STEVENS, who is the Man of the Century for the State of Alaska, and rightly so.

I also am very proud to say I have another friend in the Chamber at the moment, among several friends in the Chamber, and this friend of whom I speak is the chairman of the appropriations subcommittee that has in its jurisdiction the bill that is before the Senate at this time, the Labor-HHS appropriations bill.

Senator SPECTER is a man—I speak of Alexander Pope, who said about another gentleman: "Thou art my guide and friend." ARLEN SPECTER is a man after my own kidney, as Shakespeare would say. And he recognizes the needs of the country, as I think I do. His heart is in the right place when it comes to the education of our young people, and I am very proud to call him my friend. I thank him for his courtesies always, which are characteristic of him. He is one of the special people who have served in this Senate with me.

AMENDMENT NO. 1543

Now to the business at hand. I have an amendment. Before I send it to the desk, let me make a brief statement.

When Congress passed the No Child Left Behind Act, we made a deal with the American people. I am speaking of a time which was nearly 2 years ago when we made this deal with the American people. We said that from now on we will hold schools more accountable—more accountable—than ever before; we will require them to make sure that all children succeed academically, not just the wealthy, not just those who live in the nicer parts of town, but all children—poor students, students from Appalachia, across the prairies, across the Great Plains, across the Rockies, to the Pacific coast—yes, all the way to Alaska—children with disabilities, and students of all races and ethnicities. Schools must leave no child behind. But, in return, we promised to give schools the resources they need to make these improvements.

This bill does not fulfill that promise, and there is no better example of

that broken promise than the title I program for disadvantaged students. Title I helps the students who need help the most, the millions who are being left behind. It is also the program that, under the No Child Left Behind Act, will hold schools accountable for improving student performance. That is why, when Congress wrote the No Child Left Behind Act, it authorized specific funding levels for title I for every year through fiscal year 2012.

Now, I went to school—many years ago, of course; I started in 1924—and it was a little two-room schoolhouse in a coal camp in southern West Virginia. It was at Algonquin, WV. That is the mining camp in which I started school. That is the mining camp in which my foster father worked in the mines.

We did not have the Government support in those days that students have now. I was one of the students who today would be considered a disadvantaged child. Of course, about all the children in that coal camp were disadvantaged. But we had caring teachers. We had good teachers.

I remember being in the primer, starting out in the primer, and the leading character in the primer was Baby Rae. I studied about Baby Rae. But those were disadvantaged children. All of us were disadvantaged. We all came from poor families, but we studied hard. We had caring teachers, as I say, and they encouraged us to study. Mine were foster parents, I having lost my mother when I was 1 year old in the great influenza epidemic in 1917 and 1918. But those foster parents cared for me, and they loved me, and they encouraged me to study and to study hard.

So I am a supporter, a strong supporter, of education. I come here as one who has supported Federal funds for education practically all the years I have been in Congress. And this is the 51st year I have been in Congress. There was a great debate in the early years when I was in the House about Federal aid to education. Well, it is an accepted factor now in our thinking. So today I have come to support an amendment which I will offer shortly.

Let me say again that when Congress wrote the No Child Left Behind Act, it authorized specific funding levels for title I for every year through fiscal year 2012. The authorized amount for fiscal year 2004 is \$18.5 billion. That is enough to fully serve 6.2 million needy children, according to the Congressional Research Service. This bill before the Senate today provides just \$12.4 billion.

That is enough to fully serve only 4.1 million children. The amendment I am about to offer would increase title I funding by \$6.1 billion for a total of \$18.5 billion, the fully authorized level for fiscal year 2004, and it would extend the full educational benefits of title I to 2.1 million children who otherwise would be left behind. This would allow us to keep the promise we made in the No Child Left Behind Act.

This amendment is fully offset, may I say, for fiscal year 2004, and it achieves this by rescinding fiscal year 2004 advance appropriations in the fiscal year 2003 Labor-HHS appropriations bill and reappropriating those monies in fiscal year 2004. This is the exact same mechanism that Chairman STEVENS and Chairman SPECTER are using to add \$2.2 billion to the base bill. My amendment simply builds upon this and adds \$6.1 billion more for title I.

Students and teachers across the country are desperate for more funding. In West Virginia, the Department of Education announced this summer that 326 of the State's 728 schools failed to make adequate yearly progress. That is 45 percent of all the schools in the State. May I say to the distinguished Presiding Officer, Mr. SMITH, that in many other States, more than half of all the schools failed to make adequate progress. Let me repeat: In my own State, 326 of West Virginia's 728 schools failed to make adequate yearly progress. That is 45 percent of all the schools in the State, almost half. But in many other States, more than half of all the schools failed to make adequate progress.

I ask my fellow Senators: Where is the money going to come from to help these schools improve? The State governments, as we all know, are facing a fiscal crisis. Yet this appropriations bill underfunds title I by more than \$6 billion. This bill, indeed, is a bit frail on the No Child Left Behind Act, and it is unfair to all the people in this country who are working so hard to implement the provisions of that act.

Parents and teachers want their schools to be held accountable. They want every child to succeed, and they are holding up their end of the bargain. Now is the time for the Federal Government to hold up its end of the bargain.

As students all over the country return to their classrooms this month, it is important to remember that this amendment is not just about dollars; it is about hiring good teachers. It is about improving the curriculum; it is about reducing class sizes; it is about buying educational materials—all the elements that are key to helping students reach their academic potential.

I voted for the No Child Left Behind Act. I support the reforms in that law. But schools need more funding if we are truly going to leave no child behind.

I urge my fellow Senators to approve this amendment. We gave our word to the people when we passed the No Child Left Behind Act. We must keep our word.

Everything I have said is certainly meant to be no criticism of the chairman of the subcommittee or the ranking member or the members of the subcommittee. They have all done the best they could do. Mr. SPECTER has done the best he could with what he had, and so has the ranking member. I offer this amendment not in criticism of them or

the members of the subcommittee. They simply did the best they could with what they had. I fully support the chairman and ranking member and the subcommittee. I simply offer this amendment because I think the Nation's children deserve it. I hope Senators on both sides will support it to the fullest.

I send the amendment to the desk.

Mr. SPECTER. Mr. President, if the distinguished Senator from West Virginia will yield for a moment.

Mr. BYRD. Yes.

Mr. SPECTER. As a procedural matter, with an objection having been lodged, if I may have the attention of the Senator from West Virginia, the procedure would be appropriate if the Senator from West Virginia would allow me first to send a substitute amendment to the desk and then the amendment offered by the Senator from West Virginia would be in the nature of a second-degree amendment and would obviate the objection which was made earlier procedurally.

Mr. BYRD. Very well, yes.

Mr. SPECTER. This certainly is not clear, if anybody is watching on C-SPAN, but that would set the procedural status in the correct shape.

Mr. BYRD. Yes, it would.

AMENDMENT NO. 1542

Mr. SPECTER. Mr. President, I send a substitute amendment to the desk. For the information of all Members, this is the text of the Senate-reported bill.

The PRESIDING OFFICER (Mr. SMITH). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 1542.

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

Mr. SPECTER. Parliamentary inquiry. Would it be in order now for the amendment to be offered by the Senator from West Virginia?

The PRESIDING OFFICER. Amendments to the Senator's amendment are now in order.

Mr. SPECTER. I thank the Chair and my colleague from West Virginia.

AMENDMENT NO. 1543 TO AMENDMENT NO. 1542

Mr. BYRD. Mr. President, I thank the distinguished chairman of the subcommittee for his accommodations that have been extended at this point. I send the amendment to the substitute to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 1543 to amendment No. 1542.

Mr. BYRD. 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 provide additional funding for education for the disadvantaged)

On page 36, line 16, strike the period and insert "": *Provided further*, That of the funds

appropriated in this Act for the National Institutes of Health, \$1,500,000,000 shall not be available for obligation until September 30, 2004: *Provided further*, That the amount \$14,103,356,000 under the heading 'Education for the Disadvantaged' in title III of this Act shall be deemed to be \$20,253,356,000: *Provided further*, That the amount \$6,582,294,000 under the heading 'Education for the Disadvantaged' in title III of this Act shall be deemed to be \$12,732,294,000: *Provided further*, That the amount \$1,670,239,000 under the heading 'Education for the Disadvantaged' in title III of this Act shall be deemed to be \$4,745,239,000: *Provided further*, That the amount \$2,207,448,000 under the heading 'Education for the Disadvantaged' in title III of this Act shall be deemed to be \$5,282,448,000: *Provided further*, That the amount \$6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be \$13,045,199,000: *Provided further*, That the amount \$6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be \$633,301,000."

Mr. BYRD. Mr. President, I have already spoken on behalf of the amendment. I do not ask for recognition at this point.

Mr. SPECTER. Mr. President, I note the distinguished Senator from Iowa advancing toward the podium. I yield to him.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, first, I am very pleased to join my colleague and friend, Senator SPECTER, in bringing to the Senate floor the fiscal year 2004 Labor, Health and Human Services, and related agencies appropriations bill.

Let me begin by thanking my good friend and partner in this endeavor, Senator SPECTER, and his excellent staff, for always working closely with me and my staff in putting this bill together on a bipartisan basis. It is always one of the most difficult bills to put together and it is also one of the most important. Our Nation's health and the strength of our tomorrows are shaped by the critical health, education, and labor investments made by this bill.

I will say at the outset that this bill is not perfect—at least in my estimation. I will also say that my distinguished chairman did the best he could with the bad hand he was dealt by a very shortsighted budget resolution. As we have done in our over 12-year partnership working on this subcommittee—sometimes I am chair and sometimes he is chair, and it goes back and forth. But it has been a great partnership working together on this subcommittee over all these years.

This bill is no different. It is truly the product of bipartisan work and negotiation. We have worked closely to shape it. We have done our best to accommodate the literally thousands of requests. I assume Senator SPECTER has gotten about the same number as I have—which adds up to about a thousand, I suppose—to try to accommodate those requests we have received from colleagues.

Again, at the outset, I don't think our subcommittee allocation was ade-

quate to meet the demands we face in job training, health care, and, of course, education. I will be speaking again shortly on the pending amendment that was just offered by Senator BYRD because we are very short in the area of education.

I look forward to the Senate debate. There will be a number of amendments offered. I don't know the exact number that will be offered, but this bill always attracts a number of amendments, and rightfully so.

As I said, I think we are short in the bill in meeting the critical health, education, and labor-related issues that confront the country. For example, with this allocation, we are only able to increase education funding by 2.8 percent over fiscal year 2003. The President promised that the mandates of the No Child Left Behind Act would be accompanied by the money needed to implement those reforms. In that act, we put a lot of mandates on local school districts and authorized monies to back up those mandates. We are \$8.4 million short of meeting those funding goals.

I look forward to the Senate debate as we consider this important bill and hope to work with my colleagues to increase funding for a number of important programs funded in this bill before the bill leaves the Senate floor.

AMENDMENT NO. 1543

Mr. President, I will speak for a few minutes on the amendment offered by Senator BYRD. First, I thank him for his leadership in offering this amendment on title I funding for education. This amendment, more than any other that will be offered on this bill, will show the Nation—our parents, teachers, kids, and school boards—how serious we are about leaving no child behind. Do we give schools the money they need to improve or do we give them just a bunch of mandates and leave them out to dry? That is what is at stake with Senator BYRD's amendment.

Now, to make the record clear, as most Senators, I supported and voted for the No Child Left Behind Act. Being a member of the authorizing committee under the able leadership of the Senator from New Hampshire, Mr. GREGG, and the ranking minority member, Senator KENNEDY, and also being the ranking member on the Appropriations Committee that funds these programs, I followed the development and was involved in the discussions with the White House as the bill was developed.

The No Child Left Behind Act, more than any other educational bill in our history, holds schools accountable for performance. It demands that we hold every student, including those most disadvantaged, to the same high standards. That is fine. We all agreed on that. We all want high standards. We want those standards to be met even among the most disadvantaged of our kids.

But the bill we passed also says that schools should have the money to do

the job, that they should have the resources to hire the teachers, reduce class sizes, update their curricula, get the new technologies that are out there, and make all the improvements they need to leave no child behind.

Now, in particular, the No Child Left Behind Act sets specific authorization levels for title I. We did that because title I is the key to the success of the No Child Left Behind Act. This program is designed to help the children who are most at risk of falling behind. It is also the program that includes the loss accountability measures.

President Bush and Members of Congress spent a lot of time negotiating over how much money was needed for title I. This wasn't something just plucked out of the air. This was during a long period of negotiation. What did we need to put into title I so that the most disadvantaged kids could really be held to the same high standards because they would be given the resources they need to achieve those standards? Well, we settled on an authorization of \$16 billion for fiscal year 2003, \$18.5 billion for fiscal year 2004, and so on, for every year through fiscal year 2012.

Looking back on it now, as I voted for the bill, perhaps I was a little bit too overeager to believe that the President would, indeed, step forward and ensure that we had the resources to do the job. I believed him when he said he was serious about increasing funding for education to meet the mandates of No Child Left Behind. Well, now we have a bill before us that underfunds title I by more than \$6 billion.

As I said, the authorization for fiscal year 2004 is \$18.5 billion, which we negotiated and put into the law. This bill provides \$12.35 billion, which is exactly the amount requested by President Bush. So, again, my question is, if the President was serious about both the mandates and the resources needed to meet those mandates—the President was very eager to sign the bill and get the mandates but when it came time to get the money out, he shortchanged it by \$6 billion. That is his request.

Again, I don't blame anybody on our committee. I don't blame our chairman or anyone else. We worked together closely. I am sure a lot of us would have liked to have provided more for title I but we simply didn't have the resources. We were hemmed in by the budget agreement. So now the bill is exactly where President Bush wanted it for title I. It is nowhere close enough. It is \$6 billion short. That is why we need Senator BYRD's amendment to fund title I at the level we agreed during the negotiation process. We need to fulfill the commitment we made to the students, parents, and educators of this country when we passed No Child Left Behind.

I can already tell you what some on the other side will say about this amendment. They are going to say President Bush has already done a lot to increase funding for title I. They

will say title I funding has increased from \$8.8 billion to \$11.7 billion during his administration. I love that phrase, "during his administration." When my friends on the other side say "during his administration," they want people to think title I funding went up because of President Bush's administration. But they cannot truthfully say that, so they use the phrase "it went up during his administration."

It is like the weather: It has rained a lot during President Bush's administration. Sometimes it has been very hot during President Bush's administration. It has even snowed during his administration. But his administration did not have anything to do with any of that. It is the same with title I. President Bush deserves as much credit for recent title I increases as he does for the weather outside.

The fact is, President Bush requested only \$1.3 billion of the \$2.9 billion we increased during his administration. The only reason title I increased more during his administration was because we Democrats in the Congress insisted on it over the White House's strong objections. And now President Bush wants to underfund title I by more than \$6 billion.

I guess what Senator BYRD is saying and what I am saying and I know a lot of others will be saying is we have to help President Bush keep the promise he made when he signed the No Child Left Behind Act, and we intend to help him keep his promise.

This is back-to-school time across the Nation. I was driving in this morning, seeing kids waiting on a corner for a school bus, remembering when I used to walk my daughters down to the same corner to catch a school bus. Parents were standing there. The kids were eager and excited, looking forward to going to school.

I met teachers in Iowa when I was there in August, excited about the new school year and the prospect of getting these kids interested in learning, expanding their horizons and their knowledge of the world around them. But mixed with that excitement was a lot of worry about this new education bill. I have not met one teacher, I have not met one principal, I have not met one school board member who is afraid of reforms, who is afraid of accountability, who is afraid of high standards. They all want those standards. What they are really afraid of is the law is going to designate their school as failing, leaving them out to dry with no additional funding.

Throughout the summer, we have gotten our first look at how big a challenge we face, as States have been reporting how many of their schools are making "adequate yearly progress"—that is the phrase, "adequate yearly progress"—under the No Child Left Behind Act. It is not a very pretty picture. In many States, more than half the schools are falling short of their goals. If they do not turn it around, they will face sanctions. They get

tougher and tougher every year until ultimately the school can be taken over by the State or everyone who works in the school can be fired. It is a whirlpool effect, and once they get in the whirlpool, they cannot get out unless something reaches in to either stop that whirlpool or yank them out, and that is what title I does. But we are underfunding title I.

What is going to happen is the schools that are located in high-income areas, where they have a high property tax base—and we see them in the suburbs. Both my kids were privileged to go to Fairfax County public schools, one of the great public school systems in America. A lot of wealthy people live in Fairfax County. The county has a high tax base.

How about kids who are not so fortunate, kids just across the river, maybe in southern Prince George's County or maybe in places in Iowa, my home State. We have the same problem. In some places there are great schools located where they have a good property tax base. Others schools, where they have a low property tax base, cannot make it. That is where the kids are disadvantaged. The mandates we put on schools under No Child Left Behind do not distinguish between those schools that are located in high-income areas and those schools located in low-income areas. They all have to meet these annual yearly progress reports.

What is going to happen if we do not pass the Byrd amendment and if we do not step up and fund title I as we previously agreed we were going to with the administration? Simply, the schools that are already in trouble are going to get in worse trouble. They simply have no other recourse. The schools that are in good shape are going to be fine; they have a high property tax base. They are in affluent areas. They are going to be fine. So we are going to have a division in this country. We are going to have two educational systems: One that will be moving up, meeting the mandates of No Child Left Behind, and schools that will be going down because we are not reaching in to help fund the mandate.

Make no mistake about it, No Child Left Behind is the biggest Federal mandate on public schools ever enacted by the U.S. Congress. It is a Federal mandate. I hear all this preaching around here all the time about local control of schools and letting the States run the schools and local communities run the schools. The great genius, I think, of our education system in America is it has been widely dispersed because they have experimentation and new programs happening in different parts of the country. We do not have top-down bureaucratic control of all these schools, as they do in some countries. We have had a wide dispersal of control of education in our country, and that has been the real genius of our school system.

The failure of our education system is how we pay for it: paying for it on

the basis of property taxes. I have asked many times: Would someone please show me in the Constitution of the United States where it says that public education is to be funded by property taxes? We will not find it anywhere. But that is the way the system evolved in our country. Public education is basically funded on the basis of property taxes.

Congress came along after a couple hundred years, first in the Elementary and Secondary Education Act in the 1960s, and later with the Education of All Handicapped Children Act, IDEA, and title I, and said we need to help provide additional resources, and that has been good. Then the Federal Government comes along and lays a heavy mandate on these schools to meet certain requirements and they refuse to come up with the money.

The burden lies upon President Bush, but if he will not do it, then we have to do it. We do not want these schools to be taken over. We do not want them to fail. We want them to meet these high standards.

Again, we will hear people say: Money is not just the answer. They will say: HARKIN, all you want to do is throw money at this problem.

I do not think money is the only solution for our schools, but I ask this question: If we want to hire good teachers, can we hire them on the cheap? We already know how many teachers are leaving education today, especially in the elementary schools, because today the private sector can compete for those teachers, and when those teachers find that their hands are tied, that they have all these mandates, and they do not have the resources to meet their annual yearly progress, they become frustrated. They want to teach, but, quite frankly, they can get paid more and put up with less of those frustrations on the outside. So today there is a huge exodus of teachers in elementary education in America. These mandates are one of the causes of it.

If you want to hire teachers, it takes money. If you want to reduce class sizes, with fewer kids per teacher, guess what. That costs money. If you want to replace 20-year-old textbooks and get new technologies in the classrooms, guess what. It takes money. If you want to fix up some of our crumbling schools that now have inadequate heating and ventilation systems which have mold—I visited a school in Council Bluffs, IA, a couple years ago. This is a school that was built in 1939. It is in not a very high income area of Council Bluffs. It is an elementary school. They had an old heating system in the basement, a boiler, and there was mold all over everything. Every year, kids would get sick from all of this mold.

Well, they received a grant through our committee. They replaced the heating system with a brandnew heating system. They put in new windows. They fixed up the school. In the first year, the number of kids staying home

from school because of illness fell 90 percent, simply because they were not getting sick.

Now they are proud of their school. It is well lit. It is a wonderful thing to see. But that costs money. When one is in a low-income area and they do not have the property taxes to pay for it, that is when we have a responsibility to step in.

So again, Senator BYRD's amendment meets the other half of No Child Left Behind. We have already fulfilled one-half of it, and that is put in the mandates. That half has been enacted into law and it is proceeding right now. Schools have to meet those mandates. The other half, which was President Bush's assurance that we would have the money to do that, is not there. It is about \$6 billion short. That is why Senator BYRD's amendment helps us help President Bush keep his promise to the teachers, the kids, and parents of our country.

I urge my colleagues to give us the 60 votes necessary to overcome the point of order. This is the education amendment. This is the amendment that will send the signal whether or not we really care about the future of our kids and care about making sure all of our schools can meet these annual progress levels, making sure our kids and our teachers have the wherewithal to meet these mandates.

This is the amendment. Make no mistake about it. I hope we get the 60-plus votes. I hope we get 70 or 80 votes to send a strong signal that we are not going to leave any kid behind, especially those who are disadvantaged.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I have listened closely to the comments by the distinguished Senator from Iowa. At the outset, I will say our working relationship has been excellent. We have had what both of us describe as a seamless change of the gavel. Each of us says we liked it better when we were chairman than ranking member, but we have worked on a bipartisan basis to see to it that the public interest was taken care of when we have worked on this subcommittee.

This bill has been produced on a bipartisan basis and our staffs work very closely together. We have set an example for bipartisanship on this very important bill.

When the Senator from Iowa and the Senator from West Virginia talk about increases in funding public education, I agree with them that it would be highly desirable to appropriate more for education. There are limits, though, as to what we may do. As the manager of this bill and chairman of the appropriations subcommittee, it is my duty and responsibility to work within the allocations which have been given.

The Senate has passed a budget resolution and allocations have been given to each of the 13 subcommittees. As the manager of the bill, it is my responsi-

bility and duty to stay within those limits.

When the argument is advanced that the appropriation is not as high as the authorization, that is correct, but I reply that that is characteristic. In the Senate, we have authorizing committees and we have the Appropriations Committee. It is the standard practice that the authorizers come in at a figure which is characteristically higher than what the appropriators will put up. That is done to give more latitude to the appropriators to see how close we can come or think we should come, as a matter of priority, to what the authorizers have said. It is the exception to the rule that the appropriators come to the authorizing level.

When we take a look at the specific figures in this bill, the bill authorizing No Child Left Behind was passed by the Senate on December 18, 2001, by a vote of 87 to 10 and signed into law on January 8, 2002. The appropriations bill was passed, the conference report, on December 20, 2001, on a vote of 90 to 7 and signed into law on January 10, 2002.

As we look at these dates of enactment, December 18 for authorization and December 20 for appropriations, we tend to forget how late we worked into December in the year 2001. I have a strong belief that if the 13 appropriations bills are not finished by September 30 of this year, we are likely to be here on the eve of Christmas in the year 2003. I think it is a fair statement that we forget how late we worked in the year 2001, how we had targeted October to finish, and then Thanksgiving to finish, and then we are back, and how impossible it is to make any plans into November, into December, when we have other commitments we would like to undertake, State travel for one thing.

I mention those dates really to focus on the authorization of title I, which was \$13,500,000,000. The appropriation was \$10,350,000,000. So the authorization was \$2,850,000,000 over the appropriations. That was a year when Senator HARKIN was the chairman of the subcommittee, Senator BYRD was the chairman of the full committee. I think they did a great job in coming as close as they did on appropriations, but the critical factor is the appropriations were not as high as the authorization.

Then on other facets of Leave No Child Behind, improving teacher quality authorization was \$3,175,000,000. The appropriation was \$2,850,000,000. So the appropriation was \$325,000,000 less than the authorization. Again, that was during the tenure of Senator HARKIN as chairman of the subcommittee and Senator BYRD as chairman of the full committee. I compliment them for what they did. I think they did a great job, but they did not have an appropriation quite as high as the authorization.

The other aspect of No Child Left Behind was the century community learning centers. Here, the authorization was \$1,250,000,000 and the appropriation was \$1 billion. So, again, it

was slightly under by \$250 million. But again, Senator HARKIN and Senator BYRD did a very good job in coming as close as they did.

So the point I am making is it is not unusual for the appropriation to be less than the authorization.

When Senator HARKIN very effectively makes the analogy to the snow, the rain, and the heat, I want to agree with him about that, but President Bush was not responsible for the snow, the rain, or the heat, nor was Senator HARKIN, nor ARLEN SPECTER, nor Senator BYRD. But when we take a look at what has happened during President Bush's tenure, where Senator HARKIN says President Bush was not responsible for the increase in appropriations, President Bush was responsible for his budget request.

President Bush's budget request for the year 2002, his first year, was \$44.541 billion, which was \$4.5 billion over the previous year. That is a very substantial increase. If you look at the increase in what President Bush has requested for 2002, 2003, and 2004, he has made a request of more than \$53 billion, which is \$13 billion more than President Clinton's request in the year 2001, which was an increase of \$13 billion, which was roughly an increase of one-third over the \$40 billion which President Clinton requested in 2001. No one would say President Clinton shortchanged education. I don't think Senator HARKIN or Senator BYRD would suggest that, and Senator SPECTER is not making that suggestion.

If you look at where President Bush was in his first 3 years, his request in the year 1996 was a little over \$26 billion, and his request in 1999 was a little over \$32.5 billion. That is a \$6.5 billion increase by President Clinton in 3 years, an increase of about 18 to 19 percent. No one would say that President Clinton shortchanged education. But in his first 3 years in office, his increase was 18 to 19 percent compared to President Bush's increase of about 33 percent.

If you look at President Clinton's increases in other years, President Bush compares very favorably and nobody would say President Clinton underfunded education. A fair interpretation would be that President Bush has not underfunded education.

Having an increase in his request from \$40 billion to more than \$53 billion, a 33-percent increase, is a very substantial increase and better than what President Clinton did in the 3 years from 1996 through 1999.

I notice that the distinguished Senator from Hawaii is in the Chamber. I wonder if I might inquire, is Senator AKAKA prepared to offer an amendment?

Mr. AKAKA. I have an amendment to offer.

Mr. SPECTER. Mr. President, there is more argument to be made, more debate to be made on this amendment. But when there is another Senator ready to offer an amendment, and we

have not had a quorum call at all, which is unusual when a bill starts the first day after a recess, with no votes scheduled, I will utilize our time and ask unanimous consent we temporarily set aside the amendment.

Is that satisfactory with Senator BYRD?

Mr. BYRD. Yes.

Mr. SPECTER. And Senator HARKIN is nodding in the affirmative.

I yield to Senator AKAKA for his amendment.

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

The Senator from Hawaii is recognized.

Mr. AKAKA. I ask unanimous consent the Byrd amendment be set aside so I can offer an amendment.

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

AMENDMENT NO. 1544 TO AMENDMENT NO. 1542

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Hawaii [Mr. AKAKA] for himself, Mr. SARBANES, Mr. ALLEN, Mr. CORZINE, Mr. KENNEDY, Mr. DODD, and Ms. STABENOW proposes an amendment numbered 1544.

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

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

The amendment is as follows:

(Purpose: To provide funding for the Excellence in Economic Education Act of 2001)

At the end of title III, insert the following: SEC. 306. In addition to any amounts that may be made available under this Act to carry out the Excellence in Economic Education Act of 2001 under subpart 13 of part D of title V of the Elementary and Secondary Education Act of 1965, there are appropriated, out of any money in the Treasury not otherwise appropriated, \$5,000,000 to carry out the Excellence in Economic Education Act of 2001.

Mr. AKAKA. Mr. President, I yield myself 30 minutes to offer an amendment to the Labor-HHS appropriations bill to add \$5 million in funding to the bill before the Senate for the Excellence in Economic Education Act.

I thank amendment cosponsors Senators ALLEN, SARBANES, CORZINE, KENNEDY, STABENOW, and DODD for their support. Our leaders on the Labor-HHS Appropriations Subcommittee, Senators SPECTER and HARKIN, have been helpful in working with me on this effort. I appreciate the difficult job they have before them to remain within tight budget constraints imposed on us by necessary increases for military operations in Iraq and the newest round of tax cuts. I opposed the budget resolution and the tax bill because I knew that it could lead to this appropriations fight, spurred by unrealistic caps on important education, social welfare, and other domestic programs, pitting important priorities against each other. Despite these challenges facing

the bill before us, I hope that we can work something out to have the Excellence in Economic Education Act, or Triple-E, funded.

The Triple-E provides significant resources for economics and personal finance education, which are not receiving due attention by Congress. Although the Triple-E was included in the No Child Left Behind Act, the only comprehensive economic education program being funded by this bill is one to assist the teaching of economics outside of this country. I fully support grants to improve the quality of civic and economic education through exchange programs with emerging democracies, which represent important efforts to foster democracy in former Soviet states and other areas of the world. However, the lack of support for a corresponding authorized domestic program is unconscionable. This is particularly disturbing as schools must prepare for the first National Assessment of Educational Progress, NAEP, in Economics, which according to the National Assessment Governing Board, is on track for 2006. The Triple-E can fill this gap in domestic support for economic and financial literacy, but the program must be funded.

Let me tell you what I am referring to when I mention economics and personal finance education. These are very practical subjects that everyone should know—as basic in many cases as are reading, writing, and arithmetic. Again, referring to the 2006 NAEP in Economics, the framework for the assessment states that economic literacy includes an understanding of “the fundamental constraints imposed by limited resources, the resulting choices people have to make, and the trade-offs they face; how economies and markets work and how people function within them; and the benefits and costs of economic interaction and interdependence among people and nations.”

The framework continues to note that literacy in this area “also includes having the skills that allow people to function effectively in their roles as consumers, producers, savers, investors, and responsible citizens. These skills include economic reasoning, problem solving, decision making, and the ability to analyze real-life situations.”

Personal finance, which is an important component of economics, speaks cogently to situations that Americans face every day. How are we making decisions when we pull out our wallets at the grocery store or in the lunch line? Are we each checking our credit reports regularly and understanding how they contribute to a bank's or credit union's decision about whether our loan applications will be approved? How are families making budgeting choices every week, and are they sticking to those choices? This is difficult to say, given that personal bankruptcy filings continue to set record levels. For the first quarter of 2003, household debt service payments were almost 14

percent of disposable personal income. During the first 3 months of 2003, the percentage of mortgages in the foreclosure process climbed to another record high. We may attribute much of this to current economic conditions. However, I daresay that some of the financial troubles faced by Americans today could have been mitigated if they received pragmatic, standards-based education from a young age, when individuals are forming the habits that they may take with them throughout their lives.

Indeed, our children are not being fully prepared by our schools to face the realities of life because they are proving to be illiterate in economics and personal finance. According to the 2002 National JumpStart Survey, economic and financial literacy scores have declined since the JumpStart Coalition for Personal Financial Literacy conducted its first survey of high school seniors in 1997. The significance of surveying high school students is that high school is the last formal opportunity many individuals will have to acquire a comprehensive understanding of economic and personal finance. Therefore, the results from the 2002 survey indicating failing scores from more than 68 percent of high school seniors taking the survey are troubling. They failed to demonstrate an understanding of the basic fundamentals of economics and personal financial management. For instance, the survey found that the majority of students believed that interest from a savings account may not be taxed. They also thought that an elderly retired man and his wife, who is also retired, should have the highest amount of life insurance, as opposed to a young single mother with children. While some may not think that this is important, young adults entering the workforce should understand that interest from investments, including savings accounts, is a form of income that is taxable just like one's salary. In addition, life insurance is meant to provide income for those who are significantly dependent upon the primary income earner in the family. The survey also found the greatest declines in scores on questions relating to money management and savings.

The need to provide funding for the Triple-E Act is now. We need to send a message to our schools that we will support economic and personal finance studies. While results from the JumpStart survey are illuminating, many public high schools did not participate out of concern that poor scores would require them to focus valuable and limited resources on courses other than those such as math, English, and science. As schools hesitate to understand the real-world implications of this attitude toward personal finance and economic education, it is the students who are the real losers.

My attention was drawn to the need in this area faced by the State I represent. Over the August recess, I co-

sponsored with the Hawaii Council on Economic Education Hawaii's first ever Economic and Financial Literacy Conference, which drew tremendous support from many different levels and sectors of the community. I was pleased to have representatives from the Departments of Education and the Treasury, the Federal Reserve Board, JumpStart and the National Council on Economic Education—NCEE, as well as a broad array of representatives from Hawaii's business and education sectors, State Legislature, and Governor's office. The more than 200 people at the conference heard the results of a survey of adults in Hawaii's workforce—beneficiaries of Hawaii's education system. Although those taking the survey correctly answered an average of 13 in 20 questions, many did not have a clear understanding of basic concepts such as what constitutes a budget deficit and what is the significance of the stock market. Furthermore, the University of Hawaii department of economics unveiled a paper showing a steady increase then sharp decline in economic education in Hawaii in 1999. Thus, in the State I know best, despite a clear community interest in economic and personal finance education, we have a long way to go toward serving our children in these important subjects.

Furthermore, students are not receiving this education at home, with only about 1 in 4, or 26 percent, of 13- to 21-year-olds reporting that their parents actively taught them to manage money. I am not advocating for government to be assuming this role in lieu of parents doing so. However, many Americans begin their roles as parents without having received adequate economics and personal finance education themselves, and thus lack the tools to provide their children with sound advice or the ability to steer them to useful resources.

With this point made, let us turn the spotlight on state education systems. How are they doing in this area? I am sad to say not as well as they could be doing. According to the third biennial survey of States by the NCEE, the number of States having economic standards grew dramatically. In 1998, 38 States included economics in their standards. In 2000 and 2002, ten more States adopted economic standards. However, the percentage of States with standards who required them to be implemented dropped from 75 to 71 percent from 2000 to 2002. Furthermore, only one in four States tested students' economics knowledge in 1998. The current economics testing picture is in the chart behind me, where you can see only a marginal improvement to 27 States testing students, with four others—Indiana, Nebraska, Oregon, and Utah—in development. Hawaii is included in those States not testing students. Again, with the upcoming 2006 NAEP, although we are presently unsure which students will be tested, it would behoove States to begin assess-

ing where their students are in terms of understanding economics.

Measuring the presence of personal finance in State standards produces a picture even more bleak, with ground lost in key measures. According to NCEE, the number of States including personal finance in education standards grew from 21 to 40 from 1998 to 2000, but then fell dramatically to 31 States in 2002. The status of standards implementation is even worse, but slowly improving, from 14 States in 1998 to 17 in 2002. Regarding testing, although personal finance is often part of another subject test such as economics, only eight States conduct personal finance testing, with another two States with tests in development. As you can see in my next chart, testing is currently required in Alabama, Illinois, Kentucky, Maine, Michigan, New Mexico, North Carolina, and Rhode Island, with tests planned or in development in Oregon and Utah. The bright spot there is that this is a significant increase from 1998, when only one State tested student achievement in personal finance.

In a related testing matter, Triple-E funding would be an important help at the State and local levels as school districts are facing the challenges of meeting Annual Yearly Progress requirements under the No Child Left Behind Act. We must provide States the opportunity to explore the possibility that math and reading scores could be increased, if economics and personal finance are integrated into these other basic subjects. We all know children who may not easily be able to add apples and oranges but can instantly arrive at an answer to a calculation involving dollars and cents.

In fact, this type of integration in teaching economics and personal finance was discussed at length at a roundtable sponsored on May 16, 2002, by the U.S. Department of the Treasury, involving the U.S. Department of Education, education groups such as the Council of Chief State School Officers and National Association of Elementary School Principals, and economic and financial literacy organizations such as the National Council on Economic Education, Junior Achievement, and the JumpStart Coalition. The roundtable resulted in a white paper which says that if we dedicate ourselves to integrating financial concepts into reading and mathematics curricula, we can teach children the basics of financial education via several access points. Modes of entry include developing standards of financial education, creating tests that correspond to the curricula taught in classrooms, cooperating with publishers of textbooks and other instructional materials to stress the incorporation of financial concepts into their products, promoting the use of "off-the-shelf financial education curricula" distributed by community

groups dedicated to financial education, and training those most responsible for conveying these valuable lessons to students—our educators.

It is also noted in the white paper that States requiring students to complete financial education courses produce graduates who have higher savings rates and net worth, as a percentage of earnings, compared with those who graduate from schools in States with no such requirement. Society as a whole benefits from higher levels of savings and investment, which drive economic activity.

All of this provides the broad context of why I am offering my amendment today. The Triple-E will ensure that vital resources will go to the national, State, and local levels to provide a needed boost to economic and financial literacy. The Triple-E Act would work to do this by awarding a competitive grant to a national nonprofit educational organization that exists primarily to improve student understanding about economic and financial literacy through the classroom. The organization would distribute 75 percent of funds to State and local partnerships for teacher training, assistance to school districts desiring to incorporate economics and personal finance into curricula, evaluations of the impact of economic and financial literacy education on students, related research, and school-based student activities. The national organization would use the rest of the grant for the strengthening of relationships with State and local entities, teacher training, research on effective teaching practices, assessment development, and material development and dissemination.

Furthermore, the intent of the approach in the Triple-E, due to a federal match requirement, is to help existing and new programs to be self-supporting and involve the entities that should be on the front lines advocating financial and economic literacy; that is, banks, credit unions, businesses, and private industry. They are the very entities that benefit from a well-educated citizenry that knows how to take advantage of opportunities for savings, borrowing, and investing, and avoiding financial mistakes such as misusing credit or having to file for bankruptcy. In general, these entities want the very best education for the next generation of managers, entrepreneurs, business leaders, and consumers so that sound financial decisions can be made, economic growth can continue, and Americans can be good consumers who pay their bills on time and remain personally financially independent. As Federal Reserve Chairman Alan Greenspan noted in a recent speech to the JumpStart Coalition, "Building bridges between community organizations, our educational institutions, and private businesses will be an essential aspect of our efforts to increase familiarity with new technological and financial tools that are fundamental to improving individual economic well-being. And the

success of such efforts will bear significantly on how well prepared our society is to meet the challenges of an increasingly knowledge-based economy." A cooperative approach is necessary to help current efforts thrive, which is the type of effort supported by the Triple-E Act.

I would like to note at this time that this body already expressed support for the type of education advocated by the Triple-E Act when it passed my resolution designating April 2003 as Financial Literacy for Youth Month. I am pleased that the other body followed suit by passing a similar version of my resolution, both of which contributed to the effort to raise awareness for financial literacy. This effort is also supported by various organizations, many associated with the JumpStart Coalition for Personal Financial Literacy. For example, America's Community Bankers stated, "... we are strong supporters of financial literacy initiatives because ACB believes that informed consumers—including young consumers—are better able to make wise credit and other financial decisions."

Another letter from the North American Securities Administrators Association states:

As a majority of Americans have become investors, there is an obligation to ensure individuals have a basic understanding of the principles of savings and investing, as well as preserving their accumulated wealth. Every day, it becomes more apparent that there is a population of investors who are ill equipped to make critical financial decisions for their lives.

One could only read the names of entities and organizations that are a part of the JumpStart Coalition to understand how broad the base of support is for financial and economic literacy.

Many States are echoing these supportive statements, including my State of Hawaii. I was delighted that the Hawaii State Legislature approved a resolution similar to my Senate resolution and Governor Linda Lingle signed a proclamation for Financial Literacy for Youth Month. Furthermore, I have been working closely with the Hawaii Council on Economic Education, which supports funding for the Triple-E. I ask unanimous consent that a support letter from the Council be printed in the RECORD following my statement.

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

(See exhibit 1.)

Mr. AKAKA. Hawaii Council member John Knox in the letter relays a personal story about his son, who is now a history major at American University. When John's son was a senior in high school, his son told him that he was "angry that I wasn't offered economics till this year. I feel cheated, because most of the history courses I've taken didn't talk much about economics, and now I can tell that I just wasn't getting the full story." We must fund the Triple-E to help to expose more students to economics and personal finance edu-

cation early in their school years, before they feel cheated out of the "full story."

Referring again to the Hawaii conference that I cosponsored with HCEE 2 weeks ago, the issues of integrative versus modular teaching in economic and personal finance education and challenges to fit these subjects within the demands of the No Child Left Behind Act were of tremendous interest and debate. One of the main strategies produced by the education discussion, which featured participants from the Federal and State Departments of Education and other interested parties in a separate breakout session, was to provide teachers with more support, such as meaningful professional development and related incentives, in order to provide them with the tools that they need to teach economics and personal finance. The Triple-E Act is a good starting point for teacher support, and it must be funded so that we can meet real needs that are faced by teachers and schools on the non-Federal levels.

To conclude my remarks, we all face a professional and personal calling to support economic and personal financial literacy for all Americans. Professionally, as policymakers, advocates, and educators, we want to enable individuals and families. We want to give them access to the tools and knowledge that they need to make sound financial decisions. And we want to begin that education at a young age, ideally when they are first learning the look and feel of money, or learning how to work with limited resources. Personally, each of us should be literate in this area, and try to encourage our family and friends to check their credit reports annually, understand economic trends, or increase their financial and economic literacy in other ways.

Funding the Triple-E is an important step in fulfilling our professional obligation to financial and economic literacy, so that we can help others to meet their personal obligations in this area, for themselves and their families. I hope that something can be worked out with the managers of the bill before us, but if we are unable to do so, I will ask for a recorded vote at that time. Again, I hope that we can work something out before that occurs. Otherwise, I urge my colleagues to support my amendment.

Mr. President, I yield my time.

EXHIBIT 1

HAWAII COUNCIL ON
ECONOMIC EDUCATION,
Honolulu, HI, July 14, 2003.

Hon. DANIEL K. AKAKA,
U.S. Senate,
Washington, DC.

DEAR SENATOR AKAKA: On behalf of the students and teachers in Hawaii served by the Hawaii Council on Economic Education (the Council), I am writing to express our strong support for the Excellence in Economic Education Act (EEE Act). Congress approved the EEE Act as a part of the No Child Left Behind Act, but has not yet funded this important program. The EEE Act

provides resources for teacher training, assistance to school districts looking to incorporate economics and personal finance into curricula, evaluations assessing student understanding, research, and school-based student activities.

The Hawaii Council on Economic Education was organized in 1965 to promote and improve the teaching of economics in Hawaii's public and private schools and increase the economic and financial literacy of Hawaii's students and residents. The Council is an independent, nonpartisan, nonprofit, 501(c)(3) educational organization that focuses on the teacher as the key to Hawaii's economic literacy. Over the span of a teacher's career, he or she can influence over 3,000 students. This impact is truly significant.

The Council commends you on your tireless effort to educate the public and your peers on the importance of economic and financial literacy and we support your amendment to the FY 2004 Labor-HHS, and Education Appropriations bill which would fund the EEE Act, which will provide vital local, state, and national resources to boost economic and financial literacy in America.

Several Council Members have asked me to pass on their messages of support.

"This is to encourage the Senate to accept the principles—and to fund the activities—embodied in Senator Akaka's Excellence in Economic Education Act. For more than 15 years, I have been an active volunteer and donor supporting economic education, as has my company, Alexander & Baldwin, Inc. We believe that citizens in a democracy can participate more thoughtfully in its processes if they have a basic understanding of economic principles. Regrettably, tightened local school budgets are reducing, rather than expanding, the chances for youngsters to have an early exposure to economics. Among other benefits, federal recognition and support of economic education would serve to ratify and strengthen our arguments about its value on the local level. As a former educator, Senator Akaka has a special appreciation of this need, and we urge you, his respected colleagues, to acknowledge and support his sensitivity to this issue."

—John B. Kelley, Vice President, Investor Relations, Alexander & Baldwin, Inc., Board Member, Hawaii Council on Economic Education.

"I support the inclusion of funding for the Excellence in Economic Education Act in the FY 2004 Labor, Health and Human Services, and Education Appropriations bill, S. 1356.

"Economic and financial literacy are critical to the successful operation of our democracy, improving our citizens' ability to make informed choices about their own lives, as well as issues of national and international importance."

—David McClain, Vice President for Academic Affairs, University of Hawaii System, Board Member and Former Board Chair, Hawaii Council on Economic Education.

"The Money needed for economic education is critical. We have young adults graduating from high school as well as college with little, if any economic or personal finance education. They are expected to manage household budgets to include checkbook maintenance, credit management, car purchasing, house renting/buying, risk management (insurance), and much more without any formal education in these matters. The fast paced financial world facing them is daunting to say the least. Consider the credit card companies that hound us everyday to mention just one challenge. No wonder such

a large percentage of our young families file for bankruptcy!

"We need economics education to be required in our high schools to ensure every student has an opportunity to succeed as a money manager in their personal lives. Further, we desperately need the resources (trained teachers) to ensure these skills are taught to our youth."

—Colonel Richard Rankin, Iolani School Teacher, Board Member, Hawaii Council on Economic Education.

"I support Senator Akaka in getting more funding to promote improving the economic/business understanding of our kids in K-12 in the state of Hawaii to prepare them to enter society with an understanding of the free enterprise system as it exists in our country.

"To this end I have been active in HCEE and Junior Achievement who work toward these goals. HCEE supports the Economic education of our teachers to enable them to better teach our kids. Junior Achievement provides curriculum materials and supplies volunteers to assist the teacher."

—Will Sanburn, Board Member, Hawaii Council on Economic Education.

"I am a member and past Chair of the Hawaii Council for Economic Education. However, this letter is actually written to forward to you the views of my son, Edward "Mickey" Knox, who is currently a history major and economics minor attending American University in Washington D.C.

"When a senior at Hawaii's well-regarded Iolani private high school, he took his first economics course from retired Colonel Dick Rankin, recently recognized by the National Council on Economic Education as one of the country's top economics teachers. Mickey told me at the time that he felt a little cheated * * * because Colonel Rankin made him realize that all his previous American history courses had not really explained how much economics drives our political system and the course of history.

"He e-mailed me to ask that this brief testimony be conveyed to the United States Congress as part of the submittal being assembled by the Hawaii Council."

*Before the end of high school, every child is expected to learn English, to know that subjects have predicates * * * Science, to know that gravity pulls * * * Math, to know that terms equate * * * and History, to know that it repeats.*

But how can a person get a public education, graduate high school, and be a competent citizen without understanding economics? History suggests humans may even have developed math and the drive to understand other languages because market forces led them to barter with each other. Economics was the whole point!

When I was in high school, Col. Rankin's course opened my eyes to a new perspective on the way the world works. But that perspective should be a common one, not a secret. Please vote to appropriate funds that would encourage economic education. It is vitally important.—Edward "Mickey" Knox.

—John M. Knox, President, JMK Associates, Board Member, Hawaii Council on Economic Education.

As you are aware, the importance of economic and financial literacy cannot be understated. The ability to understand and make sound economic decisions is a basic survival skill that will enable students—our future employees, business people, and government leaders—to effectively cope with the economic uncertainties affecting all our lives.

Without a serious demonstration of support for economics and personal finance,

State and local support for these real-world subjects could disappear in the face of budget cuts and new requirements under the No Child Left Behind Act.

Thank you for leading the charge to equip students well with the tools that they need to become heads of households, members of the workforce, entrepreneurs, business leaders, and voting citizens.

Sincerely,

KRISTINE CASTAGNARO,

Executive Director,

Hawaii Council on Economic Education.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, at the outset I thank the Senator from Hawaii for coming forward at an early time to offer an amendment. And in thanking him for offering the amendment at an early time, I urge my colleagues who have amendments which they intend to present to come to the floor and offer the amendments.

There are more than 40 amendments which have been suggested. How many of them will reach fruition to be offered we are not yet sure. But we have proceeded for almost 2 hours without having a quorum call. And if we are to proceed to complete this bill at an early date, hopefully notwithstanding the difficulty even this week, we are going to have to proceed with other amendments.

If there is staff available to inform the managers' staff as to what amendments may be in a position to be offered later this afternoon, that would be helpful. If we can get an idea as to what Senators may be arriving in town later today—we understand the absence of a vote will enable Senators to come to town without the pressure of a vote, but if staffers could tell us whether Senators will be in town for offering amendments later today, that would be very helpful so the managers can plan their activities.

With respect to the amendment offered by the Senator from Hawaii, I think there is a real merit in what has been proposed to have information to promote economic and financial literacy among all students in kindergarten through grade 12. This item, although authorized, was not subject to funding by the subcommittee. Because of limitations in overall funding, the decision was made not to fund any new programs.

I note that the U.S. Departments of Treasury and Education released a report which identified a number of options for incorporating financial education into schools, some of which would include financial concepts to material being asked on tests, urging textbook publishers to include more financial educational content, incorporating financial educational materials into classroom lessons, and training teachers on the importance of financial education.

I think it is very significant to know that there are funds available for States, some \$345 million, for innovative educational State grant programs which could accomplish precisely what

the Senator from Hawaii seeks to accomplish. Those \$345 million in innovative educational State grants could well incorporate the ideas for which the Senator from Hawaii asks. In addition, there is already an appropriation of \$2.850 billion in teacher quality State grant programs which could be used for this purpose.

So in opposing the amendment by the Senator from Hawaii, it is not because we do not think it seeks a worthwhile objective, but there are funds available in other lines which could fund this program. So it is with reluctance that I am constrained to say that our rule not to fund new programs because of overall limitations of funding would not have an exception for this amendment. Once we start to make exceptions on new programs, we obviously cannot adhere to that exclusionary rule.

To repeat: There are funds available from other programs, funds available from other appropriations which could accommodate the ideas of the Senator from Hawaii.

I note no other Senators on the floor seeking to offer amendments. In fact, I note no Senators even on the floor not seeking to offer amendments. We have a cozy twosome, Mr. President, the Senator from Wyoming and this Senator.

Again, I urge my colleagues, among a list of some 40 prospective amendments, to come to the floor to offer amendments.

In the absence of any Senators who are coming to the floor to offer amendments, this is an appropriate time to return to the opening statement which I interrupted to yield to the Senator from West Virginia who offered an amendment.

In addition to the categories already identified, this bill provides for bio-defense to continue the Nation's efforts to address bioterrorism, a very important subject, in the amount of \$3.6 billion. On this subject, it is worth noting that during the August recess, I traveled to many fire departments and locations of first responders in my State of Pennsylvania to see the level of preparedness of many of the fire departments. We have allocated in Pennsylvania alone some \$68 million for first responders and some \$77 million in grants are available.

In visits to many communities, there was a very refreshing sign of volunteerism in the volunteer fire departments but really a need for more volunteers. In Sunbury, PA, the suggestion was made that the schools might incorporate in the curriculum a program for seniors, maybe even for juniors, which would provide high school education on being a first responder and might even inculcate a spirit among high school students of a desire and an interest in volunteering, going back to the statement widely quoted of President John F. Kennedy: Ask not what your country can do for you; ask what you can do for your country, to try to bring high

school students into the first responders line. We are going to be exploring in this bill the possibility of an earmark which might be devoted to an educational program in high schools to encourage students to become volunteers in fire departments or other first responder units.

Again, I ask my colleagues to come to the floor to offer amendments. There is no Senator on the floor to offer an amendment. With some reluctance, having passed 2 hours and 5 minutes without a quorum, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, my understanding is that the amendment pending is the Byrd amendment; is that correct?

The PRESIDING OFFICER. The Akaka amendment is pending.

AMENDMENT NO. 1543

Mr. DORGAN. The amendment offered this morning by Senator BYRD is an amendment dealing with the issue of funding the requirements of the No Child Left Behind Act. I will talk about the Byrd amendment which provides additional funding for the Title I program, a major part of No Child Left Behind.

The No Child Left Behind law passed the Congress with very wide support. It was proposed by the President. It was embraced by people on the left and the right in Congress. It had strong bipartisan support. But there are significant issues and problems attached to it, one of which is being addressed by this amendment offered this morning by my colleague. I come to the floor to support that amendment.

I begin by saying that I am a little weary of people trashing public schools in this country. We have a wonderful educational system. We have significant challenges. There is no question about that. But we have a great educational system.

We are one of the few countries in the world that early on started with a basic notion that every young child ought to be able to go through a classroom door and learn and become whatever their God given talents allow them to become. Through it all, we have had wonderful young men and women move from classrooms to experiments in research, to business, to academics, and to create in this country quite a remarkable record of achievement.

I recall a story I have told my colleagues many times but it is worth telling again whenever I talk about education. The oldest man in Congress when I arrived was a man named Claude Pepper, the Congressman from

the State of Florida. He was then in his late eighties. When I went to see him to say hello, because I knew a lot about him, behind his chair in his office on the wall were two interesting pictures. One was of Orville and Wilbur Wright making the first airplane flight. It was autographed to Congressman Pepper, by Orville Wright before he died, a picture of his first flight: To Congressman Claude Pepper, with great admiration, Orville Wright.

Beneath it there was a picture of Neil Armstrong standing on the Moon, autographed to Claude Pepper. I thought about the distance between those two framed photographs, the first person to fly and the first person to walk on the Moon. December 17, 1903, for 59 seconds, Orville Wright left the ground and flew. And then in 1969 Neil Armstrong walked on the surface of the Moon.

What is the distance between those two photographs framed on one Congressman's office wall? The distance is education, learning, knowledge. It did not happen in a European country. It did not happen in an African or Asian country. It happened in this country.

Our system of public education gives every young child every opportunity to be whatever their God given talents allow them to be, which has spawned remarkable opportunities and challenges and remarkable achievements. Those achievements, the first person to leave the ground and fly and the first person to fly to the Moon and walk on the surface of the Moon is an achievement of technology, science, and knowledge.

There are so many others. We could talk about, for example, Dr. Jonas Salk and the development of the Salk vaccine that prevents polio. There are so many other examples that I should not even begin to list them.

The point is that all of this stems from America's public schools. Yes, we have some great private schools as well, but public education has been the way we have educated the large majority of American young people.

I come from one of those schools, a very small rural school in a very small town with a senior high school class of nine students, a high school with four grades—freshman, sophomore, junior, and senior—totaling 40 students. We didn't have foreign languages in that high school. We had a library the size of a coat closet. Disadvantaged? Probably. But did I get a great education? You bet your life I did. Because the school board members in that town cared about that school and made sure it was a good school.

Let me talk just a bit about where we are today. I talked about where I went to school. We still have a lot of rural schools. I visited many communities in August in my home State of North Dakota and talked with educators, talked with school administrators, talked with parents about the schools in their hometowns. We have many small community schools and

they do a remarkable job of educating their kids.

We passed a piece of Federal legislation that the President described as No Child Left Behind. I think it makes sense. I agree with President Bush. It makes sense to have accountability in education. Accountability is important. We spend a lot of money on schools and on education. We give report cards to kids for a reason—so that child and that child's parents understand how the child is doing in school. That is the report card. There is nothing at all wrong or inappropriate with us deciding we ought to have report cards on our schools as well, because some schools do better than others.

The question is why. Why shouldn't a child walking through a classroom door in one State have the same opportunity at a quality education as a child walking through a classroom door in another State or another county or another city?

Accountability is fine. We spend a great deal of money on education in this country. Public funding for education is important. We commit a great deal to it, so let's hold schools accountable. That is the philosophy behind this law, No Child Left Behind. The title itself simply begs the question: Would you want to leave a child behind? The answer is no, of course not. Has anyone proposed legislation here in the Senate that says: Let's leave children behind? Has anybody here said: My bill says leave children behind? Of course not. No Child Left Behind is a title. We all agree with that. It is a slogan, and an important slogan, I might say: No Child Left Behind.

What is important, however, is what we do at the Federal level to create opportunities to improve our education system and, yes, to provide more accountability for how the resources are spent and how our schools are doing. It is very important for us to have passed this legislation and now to do what is necessary to make it work.

I regret to tell you that at least my observation is that in two areas we are setting this law up for failure, which then means we are setting up for failure those children and the teachers and the parents and the school administrators who are a part of this large, wonderful, important industry called public education.

The two areas are as follows. No. 1 is funding. There was an implied promise by everyone when this legislation was passed imposing mandates, certain requirements on school districts and schools in this country, that we would provide the funding for those mandates. In fact, when President Bush signed the law, he said:

And a fourth principle is that we are going to spend more money, more resources, but they'll be directed at methods that work. We're going to spend more on our schools, and we're going to spend it more wisely.

Beyond this quote, the implied promise by the President and by Members of

Congress, the bipartisan consensus, was that we will impose these mandates and we will provide funding to make them work. Regrettably, that has not happened. Providing the funding is the goal of this amendment that has been offered and it is one I support. The ink of the President's signature on this bill was hardly dry when the next Presidential budget was sent to the Congress that did not fully fund the authorized requirements in No Child Left Behind. In fact, the President's proposal cut some funding initially. The Fiscal Year 2003 Omnibus Appropriations Act fell about \$7.2 billion short of the authorized level for No Child Left Behind programs.

Some will make the case that authorization bills are different from appropriations bills. It is not unusual that we authorize more than we actually appropriate, and I agree with that. That certainly is the case. But it is also the case with No Child Left Behind that we embarked on a new and aggressive education policy in this country that said we will seek accountability but we will also provide the resources to make that happen. Regrettably, the President has not requested those resources. His requests have fallen far short of that which I believe was promised. Also, the Congress has not provided the resources above the President's request. We have provided some additional resources but not sufficient resources to do what I believe we need to be doing.

The second area I think will set this up for failure unless some changes are made is the issue of flexibility. This ought not and cannot and should not be a one-size-fits-all public policy. You simply cannot put the same template over a school with nine high school senior students as you do over a school in midtown Manhattan. They are different schools with different resources, different needs, different circumstances. So you have to have some flexibility to recognize that.

If this law is administered with flexibility and with the sensitivity and understanding that you have different parts of the country with different needs, different school districts, different kinds of schools, different challenges with different kinds of students—if you understand that and are sensitive to it in the rules and regulations administered by both the Department of Education and the State education agencies, then this can work.

But if this policy says to a small school in a small town: You have a teacher and that teacher has been teaching geography in your school for 12 years, and he or she is, by all accounts, a wonderful teacher, loved by the students, teaches a wonderful course in geography, and produces from that course students who know that subject cold—by all accounts an all-star teacher, but that teacher is teaching in his or her college minor, not major if, because of this—legislation and the way it is interpreted in the

rules and regulations at the Federal Department of Education and the State education authorities, you say to that teacher and that school: By the way, you are not highly qualified and therefore you are not eligible to teach that course in geography that you have taught so well and with such excellence for 12 years, then I say this legislation is destined to fail.

We must recognize, and the legislation we passed does recognize, that there are alternatives and opportunities for teachers of the type I just described. Some, however, who administer this law, at both the Federal and State levels, say what we demand, then, is that teachers teach only in their major because that is the only teacher who is highly qualified. Nonsense. Total rubbish. There are teachers who teach in their minor who do a wonderful job and have developed the experience, the skill, and the capability to be wonderful teachers.

If someone is going to say, especially to rural schools in this country: You must teach only in your major, and if you are teaching in your minor, you are not highly qualified and therefore you are not eligible to teach, then the question is, Who is going to come up with the extra money to fund all that? You are going to have teachers going through our colleges getting trained as teachers getting double majors? They have to stay in school longer. It is going to cost more money.

We have States that do not pay teachers very much money. The fact is, they spend most of their day with our kids. Yet we do not, apparently, value that profession significantly enough to pay it the kind of money that is necessary to keep teachers in the profession.

I think two things are at work here. First, if this is not funded, it is destined to fail. You cannot have an implied promise that we will impose the mandate and fund the mandate and then not fund it. And, second, if we do not have flexibility in how this is administered by both Federal and State education departments, it is destined to fail as well. I don't want it to fail. I want this law to succeed, and I want this to recognize with some significant abundance of common sense that there is a way to hold schools accountable. There is a way for us to establish national aspirations and goals, to demand accountability, without being foolish about it and without telling a fair number of teachers, wonderful teachers, the best and brightest with standards of excellence by all accounts, that, somehow, you are no longer capable of teaching. That makes no sense at all. That is absurd.

I want this to succeed, but the two areas I mentioned are two areas I think will destine this law to fail unless remedies are taken that will resolve both: No. 1, adequate funding and, No. 2, the implementation of this legislation in a way that recognizes the need for flexibility; the implementation ought to

recognize that "highly qualified" is a description that ought to apply to all teachers who do an excellent job everywhere in this country. That is who highly qualified ought to apply to.

All of us come from schools that gave us opportunities. I mentioned that my high school senior class was in a really small community in southwestern North Dakota with nine students. I had a couple of teachers, one especially who I think helped me a great deal. Teachers live with you the rest of their lives. In fact, when I was elected to the U.S. House of Representatives, my English teacher from high school would still from time to time send back to me newsletters I would send out to North Dakota constituents. She would edit them for grammar and mistakes and send them back. English teachers never leave you, of course. But there are wonderful teachers. They blessed my life and blessed the lives of so many American kids who have graduated from our school system.

I come today to support the specific Byrd amendment that would provide the funding that is necessary to increase funding for title I to the \$18.6 billion level that was authorized by law. Title I is the largest program funded by the No Child Left Behind Act, the major Federal aid program serving disadvantaged students—those students most in danger of falling behind. This amendment is the same amendment Senator BYRD offered during the appropriations committee markup, which was regrettably rejected on a party-line vote.

We hear these days of teachers buying their own supplies for their classrooms because the school district doesn't supply them. We hear about states on the west coast where teachers worked the last 10 days of the year for free, without salary, because the school district didn't have the money to pay them. We hear all of these stories about what is happening with respect to the financial crunch both at the State and local governments. That applies to school districts as well.

The question of whether we are going to allow this to succeed and make accountability something that really does work is I think a function of whether we are willing to put our money where our mouth is. If we are going to impose mandates, how are we going to fund those mandates? The implied promise was that we were. Regrettably, the history of this in the last couple of years is that we are not going to meet that promise. This amendment is one more opportunity to do what we said we were going to do.

Second, I simply want my comments today to send a statement to those who are engaged both at the Federal level and at the State level in developing these definitions that if these definitions and the implementation of this legislation is done without common sense, once again this is destined to fail. We must have some common sense in how this is implemented. It can

work. It should work. I hope it will work. But this law called the No Child Left Behind Act simply will not work unless these two conditions are met.

I introduced a resolution a couple of months ago that would suspend the enforcement of the No Child Left Behind Act until full funding is provided and that called for flexibility in the implementation that will allow this law an opportunity to work.

I see that the Senator from Pennsylvania, the manager of the bill, is on the floor. I was intending to say just a few words on a separate subject on the issue of trade, but I don't want to interrupt the discussions with respect to education. So let me ask my colleague if he was intending to speak on the bill at this point. If that were the case, I would defer.

Mr. SPECTER. Mr. President, I appreciate the invitation of the Senator from North Dakota, and I would like an opportunity to comment upon what he has had to say about the amendment by the Senator from West Virginia and also on the flexibility issue. Then I would defer to the Senator from North Dakota to speak additionally about trade.

When the Senator from North Dakota calls for adequate funding, I would suggest to him that the determination of "adequate" doesn't necessarily turn on having an opportunity which meets the full level of authorization. Some of this I had submitted when Senator BYRD had offered the amendment, but I think it would bear just a little repetition. Perhaps the Senator from North Dakota didn't hear it, or perhaps there might be even somebody listening on C-SPAN who wasn't listening earlier, or perhaps there might be somebody on C-SPAN listening. But just because the appropriations bill figure is not up to the level of authorization does not necessarily mean it is not adequate.

My preference would have been to have had a larger allocation for this subcommittee report and have had a larger allocation for education. But as Senator BYRD said earlier, and Senator HARKIN said earlier, this appropriations bill goes about as far as you can. Senator HARKIN and I had commented earlier this is a bipartisan bill. We have worked out the appropriations process in a bipartisan way.

I became chairman in 1995, and Senator HARKIN has been chairman intermittently and I ranking, and reverse. As we have frequently said, it has been a seamless transfer of the gavel. But as Senator HARKIN noted, this appropriation bill did as well as you could, and Senator BYRD, the ranking member of the full committee, agreed with him. The question of what is adequate is a fair subject for debate. I repeat that it has always been desirable to have more funding on education. But just because the appropriations is not up to the authorization level, it does not mean there has been a dereliction by the Bush administration.

I refer the Senator from North Dakota and others to the fact that when the No Child Left Behind bill was enacted in January of 2002—and the appropriation followed a few days later—the authorization for title I was \$13.5 billion but the appropriation was \$10.35 billion, and that was when the Senate was controlled by the Democrats. So the appropriation was \$2.85 billion under the authorization.

On another aspect of the No Child Left Behind bill, improving teacher quality, the authorization was \$3.175 billion, the appropriation was \$2.85 billion. So the appropriation, under the Democrats' control, was \$325 million under the authorization.

On another aspect of the No Child Left Behind bill, the 21st Century Community Learning Centers, the authorization was \$1.25 billion and the appropriation was \$1 billion. So it was \$250 million under the authorization.

I commended Senator HARKIN, who was chairman of this subcommittee at that time, and Senator BYRD, who was chairman of the full committee. But the fact is the authorization was higher than the appropriation, which is customary.

As is reasonably well known, we have two committees, the authorizers and the appropriators, and the authorizers characteristically put up a higher figure than the appropriators may be able to manage.

There has also been some question as to whether President Bush has adequately funded education. As I said earlier—and again I think this is worth repeating—if you take a look at what President Bush has requested in the President's budget, which is the determination as to what the President wants on education funding, in the year 2002, the first year President Bush submitted a budget, it was for \$44.54 billion, which was about a \$4.5 billion increase over 2001, and if you contrast the 3 years of the request on the budget by President Bush, the figure has gone from \$40 billion to \$53.3 billion, which is an increase of about 33 percent.

If you take a look at the request by President Clinton from 1996 through 1999, the figure went from \$26 billion to \$32 billion, or an increase of about 23 percent. No one said President Clinton had shortchanged education. If you take a look at the 3 high years for President Clinton—1999, 2000, and 2001—the budget increased from \$29.5 billion to a little over \$40 billion. That is about a 33 percent increase, a little over \$10 billion. So whereas President Bush, in the 3 years cited, had \$13 billion and President Clinton, in the first of the 3 years cited, had \$6 billion, and \$10 billion in the second, I think President Bush's increases compare very favorably.

Again, it would be nice to have more funding, but on the question of what President Bush has done by way of his request, I think it is a very strong showing.

When the Senator from North Dakota makes reference to the issue of

flexibility, I quite agree with him, there is a need for flexibility.

If I might have the Senator's attention. When he talks about a one-room schoolhouse, that resonates with this Senator. My younger sister Shirley taught in a one-room schoolhouse located about 6 miles from Russell, KS, when I was, I think, a senior in high school. And when the Senator from North Dakota talks about a rural school, where a teacher has to teach a number of grades, I recollect that very well. I would not take an oath to this, but I think she had about four different grades from first to eighth. The intervening grades, I wouldn't be too sure.

But it was tough teaching in that country day school in a couple of respects. The first thing was there was no transportation. My father, who had a junkyard in Russell, KS, had to take time off to drive her to school and to pick her up from school. But that was what fathers did in about 1946 when she had this country day school.

Also, the word problems for the eighth grade were very difficult. My older sister Hilda was living with us at the time. Her husband was fighting in World War II and was in the South Pacific. Hilda was a college graduate and I was a senior in high school, both of us substantially beyond the eighth grade, and we would sit for hours at the kitchen table working over these word problems.

So when the Senator from North Dakota talks about the need—occasionally we got the word problems, too. I don't want to leave that hanging. Occasionally we got them. We did not always get them. You know, the question: If X starts at point 1, and goes 20 miles an hour, and travels for 2 hours and 30 minutes, and B starts at point zero, and goes for 4 hours with deviation, et cetera, et cetera, who arrives at point Q first? Those are fairly tough questions.

The question I would have for the Senator from North Dakota is whether these standards, which do not have to be met for a few years yet, require modification now. Each State has to submit a plan to the Department of Education for approval. Of course, each State knows what they are dealing with. The State director of education knows how many one-room schools he has in North Dakota or how many he has in Kansas. Maybe there are some even in between in South Dakota and Nebraska.

The question I have for the Senator from North Dakota is: Has there been insufficient flexibility in the approvals given by the U.S. Department of Education on these plans submitted by the various States, if the Senator from North Dakota is familiar with that?

Mr. DORGAN. I say, Mr. President, to the Senator from Pennsylvania that I am aware that the Secretary of Education at one point talked about being very ginger with respect to waivers and the kind of flexibility I think is necessary. I do not have his quotes in front of me.

But the point I was trying to make is that as States determine what their specific needs are, of course the State education authority is going to be in touch with the Department of Education to determine how the Department of Education is going to send down the rules, how they are going to enforce this.

My understanding, at least, is that the Department of Education has indicated it is not going to be very anxious or interested in waiver policies. So the point I was trying to make—and I don't think I mentioned one-room schools. I mentioned small schools.

Mr. SPECTER. You can't get any smaller than a one-room school.

Mr. DORGAN. But the point I was trying to make is, if we do not have flexibility and therefore describe wonderful teachers as not highly qualified, and you have to hire additional teachers in small schools so they are all teaching in their major, then the question is: Who is going to come up with the money for that?

First of all, I do not think it would be smart to do that because you are telling some wonderful teachers they are not qualified. But second, if you do embark on that strategy, it is going to cost all of these school districts more money, and that becomes the mandate. And the question is: Who is going to fund the mandate?

Those are the questions I raised that are related to both funding and also flexibility. I hope an abundance of common sense might well be applied to all aspects of this legislation.

Mr. SPECTER. Mr. President, my response is that I agree with the Senator from North Dakota, there has to be flexibility. I am not conversant with what is going on in Kansas rural schools today, but I can become conversant. And perhaps the Senator from North Dakota is conversant on what is going on with rural schools in North Dakota.

But if they still have a small school, where a single teacher is all there is in a one-room school, and they have four students to teach in four different grades, I don't think it is realistic to bring four teachers in with specialties. You might have to have more than four because they teach arithmetic, geography, English, and history, and many subjects.

What I intend to do is to find out what is going on there.

Mr. DORGAN. Might I ask the Senator from Pennsylvania to yield?

Mr. SPECTER. I am glad to yield.

Mr. DORGAN. The point is not just a one-room school or one teacher teaching four kids. The point is, for example, a school of the type I described with four grades and 50 students and four teachers. Those four teachers are having to teach outside of their major. They are teaching in their minor and major, several different classes, and in many cases are wonderful teachers who produce great students. They know their subjects, and the demonstration

of being good teachers is that they turn kids out of that classroom having completed their course, and these kids know the subject as well. In those circumstances, a school like that couldn't possibly hire another four teachers because they wouldn't have the money.

The question is, are you still going to continue to keep those schools open and allow those teachers to teach in their major and minor provided they are good teachers?

Unfortunately, I believe we are headed toward a time when the definition of who is highly qualified will exclude many of those great teachers.

Mr. SPECTER. Mr. President, my question to the Senator from North Dakota, precisely stated: Does he know of any situation where there is any such school, where the State head of education has submitted that issue to the U.S. Department of Education for a waiver and had it turned down?

Mr. DORGAN. Well, as the Senator from Pennsylvania notes, we are not down the road far enough at this point to understand exactly what the U.S. Department of Education is going to do in terms of allowing States to deal with their specific needs. I can tell you, having dealt with many Federal agencies for a long time—I know the Senator has as well—having watched some of these statements coming from the Department of Education, we will at some point be on the floor talking about these circumstances because we will have Federal Rules imposed by the Government in a way that simply does not match the needs or interests of the small local school districts.

I will be happy to work with the Senator as we proceed so that if he indicates—and he did earlier—he believes flexibility is the hallmark and a watchword, you have to have flexibility and common sense, then he and I need to be very vigilant in making sure that both the State plans but also especially and most importantly the Federal Rules with respect to how those plans are evaluated give us the opportunity for some common sense and flexibility.

Mr. SPECTER. Mr. President, if we are not far enough down the road to know how it is going to work out, I don't think we are far enough down the road to criticize it. I think we are far enough down the road to make inquiries. But I think it is premature to criticize this bill for lack of flexibility, premature to criticize this bill for lack of funding to accommodate more flexibility until we see that the U.S. Department of Education has denied an application by North Dakota or Kansas or some rural State, which has a good educational system and has it taken care of, that is being turned down on the flexibility request.

The issue has been raised. I think it is an important issue. As the chairman of the subcommittee, I will make inquiries to see how the flexibility rule is being carried out to date or how it is proposed to be carried out, to have

hearings, if necessary, in the subcommittee. We ought to anticipate the problem, but it is too soon to criticize.

Mr. DORGAN. Mr. President, if the Senator from Pennsylvania will yield once again.

Mr. SPECTER. I do.

Mr. DORGAN. First of all, it is not so much a criticism as a determination of what is necessary to make this legislation or make this new law work. The State plans that were submitted to the Department of Education for approval deal almost exclusively with how states measure yearly progress for the school districts themselves. These plans that have been approved do not deal with the definition of "highly qualified" teachers.

If you take a look at what has been discussed and described, including the discussions around the provisions in the underlying law itself, there is enough to cause concern that ought to require us to talk about it at this point. Because if we don't do that, we will head towards 2005 and 2006, when the deadline exists with respect to the issue of highly qualified teachers, and we will find we have put in place a bureaucratic juggernaut that will cause chaos in school districts all across the country.

It is very important for us to discuss this now.

Mr. SPECTER. Mr. President, I agree it is important to discuss. The information handed to me at the staff level represents that since the act was passed in 2001, funding for high quality professional development for teachers and school administrators has been increased by 32 percent during the Clinton administration in the seven years following the Elementary and Secondary Education Act authorized in 1994, which also called for set standards to develop and implement assessments. The total increase provided for title I grants to LEAs was \$2.4 billion or 38 percent. In contrast, at the level proposed in this bill, the total increase since the passage of the No Child Left Behind Program in 2001, would be \$3.6 billion or 41 percent. So I think the funding in this bill is providing for improvements.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. I don't disagree at all with the data. I did not talk about Clinton versus Bush and so on. I didn't make that reference. The circumstances are dramatically different than they were previously. We embarked on a new, different, aggressive education policy called No Child Left Behind in which we imposed for the first time significant enforceable standards in order to measure accountability. That was my point.

I like the work the Senator from Pennsylvania does. He and I have worked on a lot of things together. Notably, I was one who, along with the Senators from Pennsylvania and Iowa and others, worked to try to double the

amount of funding in the National Institutes of Health, and the dividends that will pay for the American people in the future are significant. I like the work the leadership of this subcommittee does, the Senator from Pennsylvania and the Senator from Iowa. I appreciate working with them. He indicated this is the best we can do on funding. He would probably wish to do more. I think I heard him suggest that. I sit back and try to figure out what are our priorities as a country. What are the priorities? Then I see stories.

For example, in the middle of all of this, I was visiting schools and talking about funding that might or might not happen under these mandates. And at that time, we were simultaneously having a situation with Turkey this year. They would not let us use their bases or allow our troops to cross their borders into Iraq. So Mr. Wolfowitz was sent to Turkey and came back with a deal to provide \$26 billion to Turkey. I called around to find out where that money was coming from. I found out \$6 billion was to be in the form of direct grants and \$20 billion in guaranteed loans. I am thinking, maybe I should change my name to Turkey. The old John Paxon song, I am changing my name to Poland.

I think the issue for all of us is what are the priorities? What represents the significant priorities including national security, national defense, homeland security? Those are significant. But when you talk about education, it is also the case that education is our future. I want this law to succeed. I want it to work. The only point I came to talk about is, I don't think it can or will work unless, A, adequate funding exists to pay for the mandates we impose on local school districts and, unless, B, there is a reservoir of common sense used on how these rules apply to schools.

Mr. REID. Mr. President, it is traditional in the State of Nevada that the congressional delegation speak to the State legislature. In Nevada, the State legislature only meets every other year. This past February, I had the honor and pleasure of speaking to our State legislature. I spoke about a number of things, but one of the things I spoke about was the Leave No Child Behind Act, where I related to the recently convened Nevada State Legislature that I was terribly concerned about what was happening from a fiscal standpoint in the State of Nevada because I believed the Leave No Child Behind Act was leaving lots of kids in Nevada behind.

When I gave that statement, there were some who said, I think the Senator from Nevada is a little bit off, that Leave No Child Behind is going to work out just fine, that it will not have any impact on the State.

The State of Nevada, as with many States in the Union, went through a terrible fiscal crisis this year. The matter in Nevada had to finally be re-

solved in the courts. The State legislature was at an impasse. The Governor called several special sessions. As I indicated, he finally had to sue the State legislature and go to the Nevada Supreme Court. Following that, the supreme court ruled that certain parts of the method of obtaining money were unconstitutional, but the court did rule that education came first. The No. 1 requirement in the State of Nevada for the legislature was education.

The Leave No Child Behind Act is legislation that is extremely important, and the law has all the markings of being good legislation that we initiated here if, in fact, it is funded properly. But it has not been. As a result of that, Nevada and other States are in a tremendous bind.

It was 2 years ago that this Congress and the President made a promise to the children of America. We promised that every child would have an opportunity to get a good education and realize his or her dreams. We promised that teachers and schools would be held accountable for achieving results, but we promised extra help to those children who needed it the most so they would not get left behind.

I think we all felt pretty good about that promise. There was a nice bill signing ceremony at the White House and the new law was hailed as a great bipartisan achievement. That was 2 years ago.

Today, the children of America are keeping their part of the bargain. In the State of Nevada, as well as all over the Nation, kids have returned to school this month with their backpacks full of books, their hearts full of hope, their minds full of dreams. Our children are eager to learn and their teachers are eager to teach. Teachers are doing their part. As part of our promise to America's children, our teachers are accepting a higher standard of accountability. They understand that when a promise is made to somebody, they are accountable for keeping that promise.

I believe we should hold teachers accountable for getting results, but I think the American people should hold us accountable for keeping our promise that we made 2 years ago. That is why I have difficulty imagining that anyone would not support Senator BYRD's amendment. In effect, it is a commitment to fulfill our promise, the commitment that we already made to title I, the program that helps those children who need help the most. This amendment would mean a lot to the children of Nevada. It would provide more than \$31 million for hard-strapped school systems that serve our neediest students. It would mean smaller classes, more training for teachers, and more educational materials.

In April of 2002, I held a hearing of the Appropriations Subcommittee in Las Vegas to find out about the impact of title I programs on the children of Nevada. We learned a lot. One of our witnesses was a woman named Tammie

Carter who had a child enrolled in the title I pre-K program at Kermit Booker Elementary School. Mrs. Carter told us how important title I programs are to her family. She told us how much our promise to all of America's children means to her own child.

We should not break our promise, even to that one child, let alone millions across America. We should live by the words we uttered 2 years ago. We must be held accountable. So I hope this amendment, which will take 60 votes—60 percent of the Senate will vote to allow this education measure offered by the senior Senator from West Virginia to go forward.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak on another subject.

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

INTERNATIONAL TRADE

Mr. DORGAN. Mr. President, I will be very brief. I know some of my colleagues want to speak as well.

Yesterday was Labor Day. I noticed this morning that there was a speech given by the President, which I welcome, in which he talked about increased attention to international trade issues, particularly trade deficits and the jobs that are flowing overseas. The story specifically talks about the difficulties we have in the manufacturing jobs that have left. I wanted to make a couple of points about that.

I have talked before about the trade deficit. We have the largest trade deficit in human history. It is now over \$470 billion. Let me just show a chart that shows this trade deficit, although the red marks on this chart really should read "jobs." When your trade deficit goes to \$470 billion, that means jobs that used to exist here exist elsewhere—in China, Japan, South Korea, Europe, Mexico, Canada.

I want to make a point about this because I am heartened by the fact that the President talked about China. The Administration is talking about currency fluctuations, which is a separate issue. I have spoken about that many times. Having trade agreements with other countries and not having a shock absorber to adjust for currency fluctuations makes no sense at all. It never has. We negotiate with Mexico for a trade agreement and you ratchet down 10 and 15 percent tariffs to 5 percent and 2 percent. And then Mexico devalues its currency by 50 percent. You are 35 percent worse off.

It has never made any sense to deal with trade agreements on tariffs and not worry about currency fluctuations. That is what we are finding with China. China is manipulating its currency values in a way that continues the trade deficit with China which is now \$103 billion a year. They send us all their trinkets and trousers, tennis shoes, you name it. They produce it and send it here to go on our store shelves in Laramie, WY, Fargo, ND, Denver, CO for our consumers. Guess

what. Try to send the Chinese some North Dakota wheat and see what you find out. The trade isn't two way. We don't really have a two-way trade agreement with China and Japan. We don't have an adequate trade agreement with Mexico, Canada, Korea, and Europe.

The Senate will soon consider a Commerce-State-Justice bill, which funds the Department of Commerce. The Department of Commerce is a crucial agency when it comes to international trade, because it has a Market Access Compliance program responsible for knocking down foreign trade barriers.

Do you know how many people the MAC program has to deal with trade barriers in China? Just 19. And we have a \$103 billion deficit with China.

Now, the Commerce Department is involved in the issue of knocking down trade barriers in other countries. We have a \$70 billion trade deficit with Japan. Do you know how many people at the MAC program deal with Japan? Ten people.

We have a \$13 billion deficit with Korea and we have two-and three-quarters people working on market access issues in Korea. I don't know how three-quarters of a person works on this; there must be a new, novel way to do that in Commerce.

We have an \$82 billion trade deficit with Europe and just 15 people working to open up those European markets and enforce trade agreements with Europe.

This makes no sense at all because this relates to jobs. When I asked on Labor Day what happened to manufacturing jobs, I will tell you what happened. They have gone. Paul Craig Roberts, an economist in the Reagan administration, wrote an op-ed piece recently saying that this is not a jobless economic recovery. Yes, the country is beginning to show economic growth. No, we don't have additional jobs. We have lost several million jobs. Jobs are not being created in this country; they are being created elsewhere. That is the problem. Part of it, in my judgment, is simply enforcement, demanding that other countries own up to their responsibilities to us in our trade agreements.

I have used this example often—and I will again briefly—with respect to Korea because it is such an appropriate example. Do you know that last year we imported from Korea very close to 680,000 vehicles into this country; 680,000 Korean cars came into the United States. Does anyone know how many American automobiles we were able to export to Korea? Just 2,800. So it was 680,000 to 2,800. Why? Because our markets are open to their cars. Good for us. Their market is largely closed to our automobiles. We don't do much about it. We just do not do much about it. Don't we care? I don't know. Nobody cares much, it seems to me, to begin to say to the South Koreans, with respect to automobile trade: If you want to sell cars in the U.S., open

your markets wide to American vehicles. If you don't, then go sell your cars in Zambia, or in Libya, but not in our marketplace, until your marketplace is open to us.

While I am on the subject of cars, in the last trade agreement we did with China—a country with a \$103 billion surplus with us—our negotiators agreed, for reasons I would never understand, that with respect to future trade between the United States and China in vehicles, automobiles, we would agree, after a long phase-in, that we will have a 2.5-percent tariff on any Chinese automobiles that would eventually be sold in our country, and China would be allowed to have a 25-percent tariff on any U.S. automobile sold in China.

So our negotiators sat down with a country that has a very large trade surplus with us, and said we will agree, after a phase-in, for you to have a tariff that is 10 times higher in China on U.S. automobiles going to China than we would have on Chinese automobiles coming into the United States. I don't understand how people think when they do that. They undercut our marketplace and throw away our jobs.

Look, I am for expanding trade. I think expanded trade is good but it must be fair trade. If it is not fair and in our mutual best interests in bilateral and multilateral trade agreements, then we need to rethink it.

We face a circumstance in this country when we talk about the need for additional jobs. What happened to the 3 million jobs that used to exist here that no longer exist here? They exist elsewhere, where they can hire children at age 12 and put them in a manufacturing plant that doesn't have to be a safe workplace because you don't have OSHA; they can dump chemicals into the air and water because that country doesn't have an EPA, and it can pay 12-year-old children 20 cents an hour and work them 14 hours a day, and it is perfectly legal—by the way, a manufacturing plant that can prevent them, because their country prevents them, from organizing as a labor force.

That is where the jobs are going. Too many are going in that direction, and too many American families who used to have decent jobs with decent pay and benefits now have to look at those jobs existing in other countries that didn't fight for the last century for the kinds of things that we did, such as safe workplaces, child labor laws, fair compensation, and a requirement that you not pollute streams and the air.

Our country is losing ground, not gaining ground. If you look at the ocean of red ink on this chart in international trade, and at the loss of jobs, and if you look at what this translates into with respect to the weakening of our basic core manufacturing in this country, you simply must be concerned.

I don't want to sound like someone who is a "classic protectionist" who doesn't believe in trade; I believe in

trade. I believe in the doctrine of comparative advantage, when a country can produce something in a manner that is much more efficient than ours because of the resources they have, because of natural advantages they have, then it makes more sense for us to buy from them and sell to them that which is in our best comparative advantage. But it is not part of the doctrine of comparative advantage to have a country that says we are going to hire kids and pay them pennies and dump sewage in the streams and the air. That is not a doctrine of comparative advantage; that is a political imposition that creates circumstances by which we lose manufacturing jobs to other areas of the world and then have them produce the products and ship them back into our marketplace. We have the products, perhaps at a lower price, and what we also have is an economy that is losing jobs and steam. That is why we have to be concerned about this.

I welcome the President's statement yesterday that he is going to have someone in the Administration dealing with this issue of China and dealing with the issue of the currency fluctuations. But there are far greater problems in international trade than just currency fluctuations. That is one of them but it is by no means the most significant.

I will not spend more time going on and on about the specifics of potato flakes to Korea at a 300-percent tariff. I can spend time talking about these continuing trade barriers, such as beef to Japan, where 15 years after the beef agreement with Japan every single pound of American beef is set to have a 50-percent tariff on it. Fifteen years after our agreement with Japan—a country with a \$70 billion surplus with us—for us to allow that to happen is shameful. I will not go further, except to say I will speak at greater length on trade and jobs, which are related in a significant way, because we must—Republicans, Democrats, the administration, and Congress—tackle this issue in a significant way if we are going to preserve a strong, vibrant manufacturing base in this country and begin building jobs—good jobs that pay well with decent benefits once again.

Mr. REID. Mr. President, will my friend yield?

Mr. DORGAN. I will be happy to yield.

Mr. REID. I can remember when my friend, the Senator from North Dakota, first started coming to the floor with charts indicating the trade deficits. I can remember back in 1996 and 1997 when I thought: The trade deficit is going up, but not very much; it is \$170 billion. It went up \$10 billion, and that sounds like a lot of money. Maybe there is something that can be done about that situation.

Now I think there is no way to rationalize what is happening. It was \$170 billion in 1996, and we are over double that in just a few years. I say to my friend, I take pride, even though I have

received a lot of criticism, in that I have not voted for a single trade agreement. I thought they were shortsighted and bad for our country, and I think time is proving I was right and the twisting of arms to get votes for these programs saying it would help was simply wrong.

I say to the distinguished Senator from North Dakota, these are more than just statistics on a map or a chart or a graph. I have one daughter. My oldest child is a daughter. She is married to a wonderful man who was raised in Kannapolis, NC. I never heard the word "Kannapolis" until they fell in love and were married. I now have three grandchildren as a result of that union.

I have been to Kannapolis visiting with their family. Kannapolis is the sight of Cannon Mills where they make towels, sheets—all kinds of these products. It is a famous place in American manufacturing history and a very important part of North Carolina industry. Last week, Cannon Mills announced they were closing. The Cannon Mills plant in Kannapolis will be gone.

Kannapolis used to be a factory town where everyone who worked in Kannapolis worked for Cannon Mills. Thousands of people were employed at that factory. Cannon Mills has sent notice to everyone that the approximately 5,000 people who are at the Kannapolis plant will no longer have a job.

That is what Senator DORGAN's graph represents to me: Actual people such as Melvin Berringer, my daughter's father-in-law, a wonderful man in his eighties who spent his entire life working for Cannon Mills in Kannapolis. People who followed in his footsteps no longer work in Kannapolis. They are all through as a result of the trade policy of this country.

I have heard my friend from North Dakota in the past try to describe what the trade policy is. Is it unreasonable? Yes. Is it unrealistic? Yes. Is it unfair to us? Yes. There isn't a word one can come up with that adequately describes how the world's only superpower would put itself in the position where we have a \$470 billion trade deficit. And we had the President yesterday saying: I think what we are going to do to solve the problem is appoint an assistant secretary of Commerce. That should handle the problem. Instead of having 19 people working on the \$100 billion trade deficit with China, we can now have somebody calling once in a while to see what they can do to help the program. We will have an assistant secretary. That should solve all the problems if we appoint an assistant secretary of Commerce to solve the \$470 billion trade deficit. That should solve the problem quite well.

I acknowledge, I appreciate, I compliment the Senator from North Dakota for being one of the few who understands trade policy and frequently speaks out, bringing it to our attention. It is something about which more should be speaking.

This is a problem that is only going to get worse unless this country changes what is happening. I repeat, I do not apologize to anyone for voting against every one of those trade agreements which I think were unfair because they dealt with those countries with environmental standards much different than ours, working conditions much different than ours, and employment standards much different than ours, making it unfair to American business.

Mr. DORGAN. Mr. President, I say to the Senator from Nevada that the most recent free trade agreement we voted on in the Senate was the Singapore Free Trade Agreement. It is an example of everything that is wrong with our trade policy.

The Singapore Free Trade Agreement was negotiated in secret, as are all trade agreements, and then they are unveiled with great fanfare, and we are told: Here is the agreement. And because the Congress decided it would vote itself a set of handcuffs so that when a trade agreement comes to the floor of the Senate we cannot offer any amendments—that is called fast track—when the Singapore Free Trade Agreement came to the Senate, it had a provision in it that had nothing to do with the Singapore Free Trade Agreement—nothing at all. It had to do with immigration, and it said we will grant special visas to 5,400 people from Singapore to come into this country to take American jobs. All of the folks on the committee who deal with immigration were apoplectic. They had apoplectic seizures on the floor of the Senate. What did we do? We constructed a sense-of-the-Senate resolution that said to the Administration: Next time, you better watch it. What a wonderful piece of public policy. Why couldn't anybody offer an amendment to take out the 5,400 jobs that will be taken in this country by the special visas given in that bill? Because we cannot offer any amendments to the trade bill. And so they negotiated this Singapore Free Trade Agreement. It has other problems with it, I should say, but they negotiated it with this little provision, and we could not take it out. That is so symbolic of what is wrong with our trade policies.

The minute you speak of this, as is always the case, the Washington Post, for example, which simply will not allow an op-ed piece on my side of the issue—you almost never see an op-ed piece talking about the requirement for fair trade because the Washington Post and most of the largest newspapers have the same view and that is: Free trade, free trade. It is like a mantra. We ought to put them in robes on a street corner and let them chant for a while, to get it out of their system, "free trade, free trade." The only thing that matters, it seems to me, is whether trade is fair and whether the engagement we have with other countries is mutually beneficial.

After the Second World War, our trade policy was exclusively foreign

policy for 25 years because we wanted to help other countries. So we did all kinds of concessional trade strategies with other countries that were fine. It was our foreign policy. It was a way for us to help them, and it did not matter because we could beat any country under any set of circumstances in the job market with one hand tied behind our back. We knew that. We were the biggest, the best, and the strongest. We had an economy that could compete with anybody with one hand tied behind our back. So for 25 years, our trade policy was exclusively foreign policy run out of the State Department.

Twenty-five years after the Second World War, we began to see the emergence of some pretty tough, strong international competition—Japan, Europe, others, now China. Our trade policy is still, in most cases, soft-headed foreign policy. Instead of saying, Let us make sure that as a strong economic power, the world's preeminent economic superpower, that we retain a basic core manufacturing base—because we will not long remain an economic superpower without a manufacturing base—instead of saying that, what we are saying as a country in our policies is we do not care what remains. If we have a complete decimation of the manufacturing base in this country, so be it, that is the way the world economy was intending it to be. That is so shallow and so fundamentally devoid of caring about this country's national security. Yet, I am telling you, there are people out there who believe that. They just say: Let's have whatever happens happen and no complaining.

What bothers me the most about this situation, when we talk about these jobs, is we have set up the American workers to compete in a way that is fundamentally unfair because our country will not stand with its workers. We say to our workers: If you do not want to lose your job, then you better be prepared to compete. What does that mean? If you do not want to lose your job, you better take a pay cut. If you do not want to lose your job, you better be prepared not to get any benefits in the future. If you do not want to lose your job, be prepared to compete with that 12-year-old kid making 12 cents a day working 12 hours a day in an unsafe factory.

When did that become the admission price of the American marketplace, the only marketplace of its type in the world, the most lucrative marketplace in the world? When did we decide the admission price is do anything under any circumstances and allow your goods to come onto our shelves? When did that become something we accepted as a matter of course?

What about a sense of fairness in which this country says our workers will compete? The American workers are the finest in the world. We will compete anytime anywhere with anybody under any circumstances provided

we understand that which we fought for a century in this country represents a value system by which we measure jobs. One ought to be able to have the right to organize as workers. One ought to be able to have the right to work in a safe workplace. One ought not to have to compete with 8-, 10-, and 12-year-old kids because they ought to have child labor laws. One ought to have some fair compensation capability. We fought for those issues for years. In fact, there are people who died on the streets in this country fighting for the right to organize.

I thought we had gotten through all those issues and said, Here is what the American marketplace is about, but now there are executives of companies who say: Let's fly around in our jet and look at various places in the world where we might produce, where we pole vault over those questions. We do not have to answer questions about hiring kids. We do not have to answer questions about paying 12 or 20 cents an hour. We do not have to answer to an OSHA or EPA. We, in fact, are going to move our production to Bangladesh or Sri Lanka.

Here is the result: A little story I read recently about producers in a manufacturing plant far away from here, in a portion of Asia, making baseball caps. Those baseball caps have 1½-cent labor in each baseball cap, and they are sent to the bookstore of an Ivy League college to be sold for \$17. One-and-a-half-cent labor by a young Asian worker in a plant far away to produce a baseball cap that is then sold for \$17 in the bookstore of an Ivy League college. I suppose that used to be a job in this country, to make baseball caps. It used to be we made shoes, shirts, and trousers, too.

One day when I was speaking in the Senate Chamber, Fruit of the Loom decided it was gone. Fruit of the Loom made a big announcement that they were moving to Mexico. I said: It is one thing to lose your shirt, but I mean Fruit of the Loom, once they leave . . . Just think of the jobs that used to exist here, that supported families, are going elsewhere.

I could understand that if it represented the doctrine of comparative advantage where one country had a specific resource or some specific advantage in which they produce something in a much more attractive and a much less expensive way than we do, provided that advantage is not some politically imposed advantage by a government that says you cannot organize, you do not have to have a safe workplace, you can pay pennies, and you can hire kids.

That is not part of the comparative advantage. That is a political will and a political system that says let's take jobs from those industrialized countries that have already settled those issues.

I hope to speak on trade at greater length later this week. It was my intention to mention the effort that was

discussed yesterday in the newspapers about China and specifically about trade and jobs. I think this is a critically important issue. A recovery without jobs is not the kind of recovery we need in this country. We need a recovery that produces decent jobs that pay well, that have good benefits. We specifically need to pay attention to and understand that a world economic superpower will only remain a world economic superpower if they have a strong manufacturing base. That is critical to any economy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. The matter before the Senate is the appropriations bill that is being managed by Senators SPECTER and HARKIN; is that true?

The PRESIDING OFFICER. That is correct.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. 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. SPECTER. Mr. President, I have sought recognition to reply briefly to the comments by the Senator from Nevada. It is very important to move on education in America; the legislation on Leave No Child Behind is very critical legislation on that important subject. But as we have heard the discussion move forward, there is a lot more commentary on President Bush than on the American schoolchildren. I suppose that is to be expected in the political context with a Presidential election coming next year, but the real focus, I suggest, is on the issue of adequacy of the funding.

The program for funding the No Child Left Behind legislation has been moving on with substantial increases in funding. Earlier today, the argument was made that the funding has resulted from the action of a Congress which was under the control of the Democrats. I suggest that ignores the recommendations and the budget requests President Bush has made and the budgets which he has submitted to the Congress of the United States which have been acted upon with both Democrats and Republicans.

When we look at the requests of the President to meet the legislation on No Child Left Behind, on the three budgets which he has submitted requests for fiscal year 2002, fiscal year 2003, and fiscal year 2004, there has been an increase in what he has asked for of some \$13 billion-plus, moving from \$40 billion to more than \$53 billion. If you take the 3-year period from 1996 to 1999 with the fiscal years 1997, 1998, and 1999, the funding increased from some \$26 billion to about \$32.5 billion, which was an increase of 23 percent. If you take the

last 3 years prior to the budget submitted by President Bush, you have the funding from \$29.700 billion to \$40 billion, an increase of a little over \$10 billion—there again, a 33-percent increase. So even when the Democrats controlled the Congress, the appropriations made were under the authorized amount which is a commonplace occurrence.

If we focus on what has been done to increase funding for education and what has been done to move along the legislation on Leave No Child Behind, President Bush has made a showing at least comparable and superior to that which President Clinton undertook, and no one ever said that President Clinton underfunded education. Perhaps the focus ought to be on what is the adequacy of the funding as opposed to the consistent critique of President Bush for political purposes.

I yield the floor.

HEALTH CARE

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, I come for a couple of minutes this afternoon to reflect on both the recent holiday yesterday as well as my experiences in South Dakota over the last 4 weeks.

We celebrated Labor Day yesterday with parades and celebrations around the country. We have been doing so now for 120 years. Peter McGuire was a carpenter and a labor organizer who brought 20,000 workers to march in New York for better working conditions some 120 years ago. Still today it is a day to honor our working people and their contribution and to recommit ourselves to advancing their rights and protections.

I spent the August recess driving through South Dakota, as I do every year, without schedule or staff, talking to South Dakotans about the concerns they have. We have 66 counties in our State. I get into all 66 every year. I went to just under 30 counties during the month of August. Driving as I did, talking to working men and women, families, business people, farmers, and ranchers, I heard a great deal about jobs, about health care, about the state of agriculture.

Joblessness in our country has now reached 9.1 million people; 3.2 million private sector jobs have been lost since January of 2001. That is a 50-percent increase. Another 5 million, we are told, are underemployed, forced to take part-time work because they cannot find good jobs.

As I traveled the State, I talked to people who are unemployed, people who had good jobs. Surprisingly, large numbers of white-collar workers, people whose incomes exceeded \$20,000 or \$30,000, are now out of work. They expressed to me their concern for the state of the economy and the great difficulty so many South Dakotans are facing. That is true in small towns as well as large towns.

There is more bad news for working families as they consider the implica-

tions of higher deficits on the interest rates we are now experiencing. It is harder to buy a home, to pay for college, invest in business, in part because, as we have predicted, as the budget deficit increases, so do long-term interest rates. The CBO has now projected we will see a \$400 billion deficit in 2003, \$450 billion if you eliminate the impact Social Security trust fund surpluses have had on the budget, and over \$650 billion in fiscal year 2004. We expect to add \$1.3 trillion of additional debt, not to mention the higher increases in interest rates that everyone will be forced to pay, offsetting whatever marginal value to most working families the tax cuts have had now over the course of the last 2 years.

I spent the bulk of my time talking to South Dakotans about health insurance. As I do my travels each year, normally it is to listen to others. It is my home. In so doing, I have the opportunity to listen to South Dakotans express themselves on whatever issues may be of interest and concern to them and I can come back with a better understanding as we consider the issues in the Senate.

This year I asked more questions about health care, talked a good deal about health insurance to South Dakotans. We have over 100,000 of over 700,000 South Dakotans who at some point through the year do not have health insurance.

I was at a barbecue early in August talking to a number of South Dakotans about the issues and about health care in particular. There must have been 300 or 400 people there. After I spoke, about half of them, I suppose, lined up to say hello. It took a couple of hours to say hello to those who had come. As I said my final farewell to the last person who had waited in line, I noticed over on a park bench there was an older man—older; I would say probably in his early seventies—who had waited all this time just to talk to me. He told me what had happened in his own circumstances. He said he and his wife had saved over \$350,000 over their entire lives. About 6 months ago, his wife learned she had terminal cancer. She was too young for Medicare so they began spending their savings. They spent \$200,000 and John's wife finally told him: "I would rather die than have you spend the final \$150,000. Let me die." She did.

That was my first story that I recall, over a month of stories. I talked to Florence, who lives in Sioux Falls, SD. She drives all the way. She is 72 as well—early seventies. I can't recall now if it is 72 or 73. She just got a job about a month ago because she can't afford the \$400 she pays every month for prescription drugs. Every 3 months she goes to Canada because she can't afford to buy them in the United States. She saves \$300 every 3 months on that trip to Canada. She is a woman who now has been forced to go back to work at her age, just to pay for the drugs she needs.

I talked to Alicia at the Brown County Fair. Alicia has diabetes, juvenile diabetes. She was just kicked off her family's insurance rolls because she is now over 18. She doesn't have insurance and can't get it because the insurance companies won't sign her up. She asked them what to do. They said: Go look for a job where they have group health insurance. Alicia broke down when she was telling me she hasn't taken the diabetes medication as regularly as she should because she can't afford it.

I could take the rest of the afternoon talking about the stories I heard, about the crisis we face in health care today. I don't know about you, but when you are out there, outside of this town, and you are allowed to clear your mind, you wonder, with the positions we hold, how it is that year after year, session after session, these problems go by and in most cases continue to worsen. We come back and it just seems business as usual.

I don't know how we solve the health care problem. But I must say I think it is the most pressing, most serious, most vexing, most troubling problem that most South Dakota families face, at least. All I had to do was ask the first question, and one after another came forward with their own nightmare about the crisis that they or their family are facing.

So I learned a lot. I think I am far more aware today of the extraordinary problems and complications our South Dakota families are facing, but none like what they are facing with health care. We have to do something.

Our first opportunity of course is to deal with this Medicare prescription drug benefit. We are going to redouble our efforts to see if we can find some solution, but I will say I am very concerned and troubled by the lack of progress we made at the staff level in the month of August. There is a lot of work that needs to be done.

I will continue to go home of course and talk to South Dakotans. I will always remember the conversations and the willingness on the part of so many to open up, to share their private stories, to share their nightmares, to plead with me that Congress do something to address those concerns. Whether it is John, Florence or Alicia, they are watching, they are waiting, and they are hoping.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak for 15 minutes as in morning business.

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

STEEL TARIFFS

Mr. ALEXANDER. Mr. President, the distinguished majority leader has talked about jobs. Most of us in August talked to constituents who were talking about jobs. The President of the United States yesterday, in a Labor Day speech in Ohio, talked about jobs,

and specifically manufacturing jobs. As he usually is, he was very straightforward about what is going on in our country. He said the economy is getting better, and I will give him some credit for that. He also said the jobs aren't coming along as fast as he would like. He pledged to work harder on that. He talked about appointing a sort of manufacturing job czar in the Commerce Department, which I would welcome.

Over the past several weeks, the administration has held 19 different round tables with manufacturers in this country to try to understand from them what Government policies could be that would make it easier for us to keep our manufacturing jobs.

I believe the President focused yesterday in his Labor Day speech on perhaps the greatest economic challenge we have before us in these very fortunate United States of America, and that is, how do we keep our manufacturing jobs from going overseas over the next 10 years as we participate in a global marketplace. We faced that before, with Japan, 20 years ago. I can still remember how everybody thought Japan was going to drown us, and they didn't. Now we are faced with China as well as others. China is bigger—not as prosperous as Japan, but bigger. We have a terrific challenge in how do we keep our manufacturing jobs from moving overseas.

On September 15, Commerce Secretary Don Evans is expected to announce more about President Bush's plan to save manufacturing jobs and to keep them from going overseas. The Secretary is scheduled to speak in Detroit on September 15. I have a respectful suggestion for what Secretary Evans might say in his speech in Detroit on September 15 about saving manufacturing jobs.

He will be there at the home of the American automobile industry, and I believe the most helpful thing he could say for the working men and women of America, especially in the automobile industry, is that we will end the steel tariffs now.

I don't want to simplify this. Ending the steel tariffs that were imposed in March of 2002 will not by itself stem the loss of manufacturing jobs in the United States of America. Manufacturing jobs have been going away from our country for a number of years. They were going away a long time before President Bush became President.

Manufacturing jobs have been leaving for a variety of reasons. The first is we have become more productive. When the Saturn and Nissan automobile plant came to Tennessee, they employed 5,000, 6,000, 7,000 people at very good paying jobs. But if those plants were being built today, instead of employing 5,000 or 6,000 or 7,000 people, they would have to employ 25,000 or 30,000 people to make the same number of cars. So we are still doing plenty of manufacturing in America as well as in Tennessee. We are just not hiring as

many people to do it because we are so much more productive.

Then there are other reasons manufacturing jobs are under pressure. The Chinese currency is too low. Secretary Snow was in China today, working on that problem—we hope with some results.

Another reason we have difficulty with our manufacturing jobs is that our international intellectual rights and copyrights aren't being respected or protected.

Then the other reason, which every manufacturer in America knows, is cost. Every American manufacturer lives on the edge. It is always a battle with costs. If some unexpected cost comes along, the manufacturer cuts one or two jobs in order to stay in global competition. If too many costs come along, they go out of business or move their plants overseas.

What are those costs? The cost of labor, the cost of health care, the cost of environmental control, the costs of runaway lawsuits. All of these costs are the costs we hear about as we talk to men and women who are manufacturing in America.

But the cost I want to talk about today is a new cost that was added in March 2002 to manufacturers all across America, and that is the cost of the steel tariff. The President decided in that month, March 2002, to impose a tariff of up to 30 percent on imported steel, including hot- and cold-rolled steel, the kind used to make cars and trucks in our country. The idea was a noble one and a well-intentioned one. It is hard to argue with it. The idea was to protect steel-producing jobs, of which there are about 12,000 in Michigan where Secretary Evans will be making his address on September 15. The trouble is the steel tariff has been destroying steel-consuming jobs of which there are nearly 800,000 in Michigan, including 300,000 at auto assembly or auto supplier plants.

Let me do that math again.

In Michigan, there are about 12,000 steel-producing jobs, about 800,000 steel-consuming jobs, and 300,000 of them are in the auto industry. This is true all across America. There are nearly 13 million steel-consuming jobs, 2.1 million of which are automobile-related jobs. But the United States has only a fraction of that number in steel-producing jobs—about 230,000 steel-producing jobs. Even West Virginia and Pennsylvania combined have at least 10 times as many steel-consuming jobs as steel-producing jobs.

On top of all of this, the World Trade Organization has ruled that the steel tariffs imposed in March of 2002 are in violation of the global trade rule. As a result, the European Union has announced its intention to impose \$2.2 billion in retaliatory sanctions on American imports sold in Europe, from footwear to fruits and vegetables. These sanctions will destroy yet another batch of American jobs.

Here is the sad story of the steel tariff.

In 2002, the automobile industry was purchasing only about 5 percent of its steel from overseas. But as soon as the steel tariff was placed on, it imported 5 percent, and 95 percent of steel produced in our country also raised prices. Suddenly, auto parts suppliers and other steel-consuming businesses, such as microwave oven makers, as an example, were paying up to 30 percent more for steel, which is sometimes their most important raw material.

Because auto suppliers couldn't raise prices to cover costs, they suffered losses and began to lay off employees. In a few instances, whole plants closed. Jobs began to move overseas where parts suppliers pay a global price for steel. These parts can be made in South Korea, in Germany, in Mexico, in Canada, and all around the world. They don't have to be made in Michigan and Tennessee.

Let me put this in a little more personal terms. In my first year as Governor of Tennessee—1979, nearly 25 years ago—our State was the third poorest in the country at 80 percent of national average family income. In some counties at that time, about one-third of our manufacturing jobs were in the textile mills. Tennessee at that time was making no cars and no trucks, and we had only about 2 dozen auto suppliers. Then the auto industry began to move south—not just into our State but all around us. Tennessee became the fourth largest maker of cars and trucks. Nine hundred auto parts suppliers followed with better paying auto jobs. These are jobs that are \$30,000, \$40,000, or \$50,000 a year, replacing low-paying textile jobs. Our families' incomes grew faster than any family incomes in America. They jumped to almost 100 percent of the national average family income by 1990.

Today, one-third—or at least 100,000—of all Tennessee's manufacturing jobs are automotive jobs. These are the good jobs that we are glad to have.

On January 21, 2003, ArvinMeritor closed its sunroof and seat plant in Gordonsville eliminating 317 of these good-paying jobs. It reduced by 100 the jobs at its Pulaski plant. It did this because after the tariffs its steel prices rose between 13 and 40 percent.

That is not all. The Dana Corporation, which employs 3,000 Tennesseans making axles and brakes, watched its steel prices increase 20 to 50 percent since the tariff.

The Dura Corporation, which employs 176 at five facilities in my State, was purchasing all of its steel from United States producers when the tariff was imposed in March of 2002. As a result of the tariff, Dura lost money in 2002 and is considering moving to overseas production which is very bad news for 765 Tennessee families in Gordonsville, Greenbriar, Lawrenceburg, Milan, and Pikeville.

I ran for the Senate last year to support President Bush, and I have proudly done that. I think he is on the right track with our economy. I believe our

economy is beginning to move after a series of blows that no other economy in the world could have withstood. I support this President. But I also said in my campaign last year that I believe the steel tariff was bad for Tennessee and bad for American working families, and I still believe that.

This fall the President will have an opportunity to review his decision to impose the steel tariffs. Shortly after Secretary Evans' speech in Detroit on September 15, the International Trade Commission will report on what the consequences of the tariffs have been. This is a welcome opportunity for the President to make a mid-course correction. I hope that he will decide he has made a good-faith effort to save steel jobs, but that the effort has lost almost as many steel-consuming jobs as exist in the steel-producing industry in the United States. That it is the wrong policy, and that the right thing to do is to end the steel tariffs. The best thing Secretary Evans could do in his September 15 Detroit speech is to announce the President has decided to save thousands of jobs for working men and women in Michigan, in Tennessee, in America, in the automobile industry and in other steel-consuming plants by ending the steel tariffs.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, I think we need to have clear what numbers we are working with here. My friend—and I consider him a friend—the distinguished senior Senator from Pennsylvania, the comanager of this bill, has spoken about the good things that have happened by virtue of the President of the United States, George Bush, and his requests for additional moneys for education.

But very seriously, that has to be tongue in cheek because the President has requested almost nothing as it relates to education. The Presiding Officer has not only been a distinguished Governor but also the Secretary of Education. I would ask that he and others look at what we are dealing with here. For example, in fiscal year 2003, the President of the United States requested an increase of \$4 billion. In the previous year, he requested \$2.3 billion.

The increases that have come that my friend from Pennsylvania has spoken about have come as a result of pressure placed on this President, this administration, this Congress, by Democrats. As a result of that, we have gotten an extra \$8.2 billion. All you have to do is look at what this President has requested. This isn't some

kind of mathematical genius who comes up with these numbers.

In black and white, you see what the President requested. Those requests were an increase for fiscal year 2002 of \$2.3 billion; for fiscal year 2003, \$400 million. Fact. But as a result of work we have done here we were able to squeeze out additional moneys, an additional \$8.2 billion. In fact, even for those we had to fight the administration.

Now, for fiscal year 2004, the President of the United States has requested \$26 million for education. That is .05 percent over fiscal year 2003. And those fiscal year 2003 moneys were moneys that we forced upon the President. It is a .05-percent increase when States such as the State of Nevada are struggling for money, at a time when schools are struggling to meet the mandates of the No Child Left Behind Act. But what this President is doing is leaving lots of children behind.

So let's not talk about, on this Senate floor, the increases that President Bush has obtained on leaving no child behind. We have obtained \$8.2 billion more than he has requested, and we had to struggle to do that.

I repeat, this year, the President requested \$26 million, a .05-percent increase over fiscal year 2003. For fiscal year 2004, he has asked for \$4 billion. Now, we were able to do a lot more than what he requested, and the children of America should thank us every day for doing that.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, are we in a quorum call?

The PRESIDING OFFICER. No.

Mr. THOMAS. Mr. President, I would like to comment for a few minutes on an issue that I think is part of the appropriations bill before us and certainly one of the real issues that all of us are concerned about and that is health care and how we begin to deliver health care in a way that is more workable than what we have had in the past.

The Senator from South Dakota has spoken for a moment or two about health care in his State. Of course, Wyoming and South Dakota are rural States, and there are some unique things about the delivery of rural health care. But I think more than anything, we do have a situation with health care that has to do with access. It has to do with the availability of services wherever we are in the country. And it is becoming more and more evident that access is also a function of being able to afford those services. We find generally that it is becoming more and more difficult for most Americans to afford the services that are there, and therefore they are not as accessible or available as we would like them to be.

Clearly, it is one of the most difficult issues we have before us. It is a complex issue. If you can afford a Cadillac, that is fine. I live with a Ford, and we

are happy about that. But we all want "Cadillac" health service. I understand that. Most of us live, in many ways, in the market as to what we can afford, but health care has more demands because we all have problems with our health and it is very costly to deal with that.

We talk about the issue a great deal, as we should, but, frankly, I think it is time for us to talk a little more about solutions than we do about the problem. And we have tried to do that.

During the last month in Wyoming, I held a seminar on health care, particularly rural health care, because we are a rural area of the country. We asked the people on the panels, who were very good, by the way, to talk about solutions, to talk about the problem, which, of course, we have talked about a number of times.

Now, what do we do about it? That is a challenge and one with which I think all of us need to deal. Some of the areas we spoke about, that I think we need to talk about, are, first of all, the Federal programs. A good many people in this country, although fewer than you normally think—I think in Wyoming about 13, less than 14 percent of Wyoming citizens are enrolled in Medicare. Sometimes it seems as if it would be higher than that but, nevertheless, it is a sizable amount. In addition to that, of course, the Federal Government has Medicaid. We have the kids program and others.

So the Federal program is a substantial part of our health care. Some of the things we need to do there are to have programs that do pay the costs. I know we have to have some limits. I know it is easy to have things happen in the delivery of health care which we have to guard against so we do not waste money. But the point is, if procedures cost a certain amount, then the Federal Government programs need to pay substantially what that amount is. Otherwise those of us who have private insurance have to pick up the cost, or the lack of it, that is paid for by Government programs and, of course, the uninsured. So we have that problem.

We have been working on and I have enjoyed being chairman of the rural health caucus, and I have been joined by many people. It is interesting, in the West when we talk about endangered species or public lands, you have the support of about eight or nine States that are involved. When you talk about rural health care, every State has some rural areas with rural health care needs. I think New York has some of the most rural areas.

So we have made some progress. But what we have found is that basically rural hospitals, rural health care clinics, and so on, have not been paid equally with urban facilities. There is no equality there. Well, we say, my gosh, that is because the costs of living in a city are more than in a rural area. I think the fact is that to provide health care in low numbers, low volumes, perhaps is more expensive than

providing it where there is high volume.

All of us want the best care so we want the expensive equipment, much of which now has become very much a part of medicine. It costs millions of dollars. But if there are not very many people using it, then the cost per user is much higher. So we have made some success in looking for some equity.

By the way, the large movement in that direction is in the Medicare bill that is now in the conference committee. We hope it will stay there and come out of there.

A very large percent, almost half, of Medicare money is spent on a very small percent of the patients. They are the ones, of course, who have chronic diseases. They are the ones seriously ill. We have not had enough emphasis on seeking to treat people before and to avoid some of the illnesses that are so expensive.

Those are some of the problems we have. We are beginning to have more and more problems with the service personnel, the number of nurses. There are shortages almost over the whole country. Part of that, I suppose, is the difficulty in training, not so much the capacity of the universities and the schools that do it but apparently a difficult time in having instructors who are available to do the costs on Medicare. If that is the case, in a market system where you have a shortage of something that is resulting in less volume, you do something about it. You change it so you can create that volume. We need to be doing that.

Another reason, one of the ladies stood up—she was chairman of the hospital board—and said, it isn't so much the training. The job is not very attractive because of the hours, because of the time that has to be spent, because of the atmosphere, and those kinds of things. Lots of nurses who are trained are not doing nursing care, partly because the wages are too low. These apparently are some of the problems that exist there.

The same is becoming more true with physicians. At least in some of our States, the cost, for instance, for health care liability insurance has gotten so expensive that we have people, OBs, who are no longer practicing in the area. Many times they were the only OB/GYN in the area. But when their costs for liability insurance get up to \$55,000, \$65,000, \$75,000, as much as \$100,000 a year, they say: I am not going to do that anymore. They either don't practice that particular procedure or they drop out entirely.

Of course, in our State the average age of physicians is fairly up there, fifties and so on. These folks are going to be retiring. So that is one of the problems we have, ways to do that.

Certainly another that is difficult is the uninsured. We have millions of people in this country who are uninsured. Well, they probably don't get as much treatment as if they were insured but they get treated. They go to emergency

rooms. They go to public health facilities and they are treated. They are unable to pay the costs or are unwilling to pay the costs. So those who have insurance end up paying the cost. You also have an insufficient amount of health care for people who are uninsured. I suppose young people, all kinds of people, simply can't afford it.

We had a rancher testify that for his family it costs \$12,000 a year for health insurance. That is tough. In town meetings we had some time ago, that is the issue that came up most often—the cost of health insurance.

Obviously, there is a relationship between the cost of health care and health insurance. Nevertheless, that is what people see, the health insurance costs. That is part of the problem we need to resolve.

Pharmaceuticals and drugs, of course, have become a very high percentage of the increase, and particularly if combined with the new equipment, and so on. We are dealing with that now for Medicare. I hope we will come up with something for Medicare.

We also have to deal with the costs for everyone else, whether there is overutilization, whether we ought to be using more generics, whether there is too much advertising going on, whatever. There is a problem there that we need to resolve.

These are some of the areas with which we have to deal. Certainly, again, the Senator from South Dakota saying that that is what he heard the most about, I think for most of us, when we go to town meetings, that is what we hear the most about. All we hear about are the problems. I think it is up to us to work with the professionals, to work with others. We have an opportunity to do something about the liability costs. I don't know whether we can do it. Some will say that isn't going to solve the problem. Certainly it isn't going to solve all the problems but it is an opportunity to solve a part of the problem. There is evidence that it does by those States that have done something about limiting the noneconomic damages.

There is a great challenge here and a great opportunity to do some things. Part of it will be right here with this appropriations bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

HIV/AIDS IN AFRICA

Mr. DEWINE. Mr. President, I returned this past Friday from a 10-day trip to southern Africa with Majority Leader BILL FRIST as well as Senator WARNER, Senator ENZI, Senator COLEMAN, and Senator ALEXANDER. We trav-

eled to South Africa, Mozambique, Botswana, and Namibia. We traveled there to assess each of the HIV/AIDS crises in these countries. We wanted to see where things are now and where we need to go in the future to help them deal with the terrible crisis they face.

The fact is we are in a critical stage in this attempt to help them and other countries fight this global AIDS battle. We passed the global AIDS authorizing legislation a few months ago and shortly we will pass the appropriations bill to fund these programs. As we start to plan how to spend this significant amount of money, we are now at a critical stage. We are at a critical stage because it is so very important that this be done right, that it be done correctly, and that it be done quickly, because millions of lives are at stake.

All four countries we visited have, of course, been designated by the President and now by Congress to be recipients of our global AIDS assistance. So these Members of the Senate wanted to find out how we could most effectively and efficiently give this assistance to these nations, how we could make sure our money would be well spent. In doing so, we wanted to know specifically what these countries' respective governments were doing. We wanted to know what the nongovernment organizations, the NGOs as they are referred to, are currently doing; what the church groups—we refer to them as faith-based groups—are doing; and what the businesses, the private sector groups, are doing as well.

We wanted to know what was the state of the health infrastructure, the public health sector in each of these countries. We also wanted to assess where our own Government was. We wanted to talk to our embassy officials and see how their planning was coming along.

Finally, and certainly most important, we wanted to ask the leaders of these countries—we wanted to talk to their health professionals and social workers, actually the people out in the field in these nations—what their needs were, what they thought they needed. We asked them: What do you need from us? What can we do to help you do your job to help save lives? We went to the very people who every single day watch the AIDS victims die—the people who try desperately to treat, to help, and to save them, and the people who try to prevent people from coming down with AIDS.

We have some answers.

The spread of HIV/AIDS in poor countries is, as we know, rampant. It is a grave human tragedy. When it comes to the HIV/AIDS crisis, the sheer numbers are staggering. We can't let these numbers numb us. We have to keep reminding ourselves that these are statistics; that behind each one of these statistics are human beings; and that these statistics represent real people, real mothers, real fathers, children and babies. These are real people and real lives.

The statistics are unbelievable. In South Africa, 5 million people are HIV positive. In Mozambique, 13 percent of the people have HIV or AIDS. The disease has created by some estimates 370,000 to 425,000 orphans, and by the year 2010, it is estimated that in Mozambique the life expectancy is estimated to plummet to only 39 years. There are only 524 doctors in the whole country, a country of 18.6 million people.

In Botswana, a nation of 1.7 million people, there is a 38.8-percent HIV rate among those between the ages of 15 and 49. It is a staggering figure. There are 330,000 people, it is estimated, HIV positive, and 18 percent of the deaths in that country are the result of AIDS. Thirty-five percent of pregnant women are HIV positive. By the year 2010, it is projected that the life expectancy rate will be 31.6 years, if nothing is changed, if the situation is not changed, and if there is no intervention.

The next country we visited was Namibia, a nation of 1.8 million people. Twenty-two percent of the adult population has AIDS or are HIV positive. Twenty-three percent of pregnant mothers are HIV positive. By the year 2010, the life expectancy rate is expected to be 39.6 years of age.

We know the statistics. We certainly can learn from them. We can see the victims and we can talk to them and talk to those who care for them. We can do all of these things and still not comprehend the gravity of this human tragedy.

One of Africa's great leaders is Graca Machel, a woman we met within Mozambique. We had a delightful meeting with her for over an hour. She is one of the most articulate persons I have ever met with in my life. When we met with her in Mozambique, she was talking about a country that she loves so well. This is what she said:

I can know the statistics, but I don't really understand what it means to have 13 percent of my people HIV positive * * *. [Our countries] are facing extinction * * * and we still face the worst.

The mind cannot comprehend the gravity of this tragedy. This certainly was for me, and I am sure for all of my colleagues, a deeply troubling, gut-wrenching trip. But it was a very productive trip.

We were accompanied on the trip by President Bush's AIDS adviser, Dr. Joseph O'Neal. His experience and his expertise proved invaluable to us on our trip. Our ability to talk with him, share ideas, go back and forth and compare notes of what we had seen was very valuable.

Each one of us on the trip, I am sure, has come back with different impressions but with a lot of the same impressions. This afternoon I would like to take a few minutes to share with my colleagues some of my thoughts. They are, of course, my thoughts and my thoughts alone. I would guess that there will be a lot of similarities between my thoughts and other col-

leagues'. But these are mine. These are my impressions and my thoughts from this trip to Africa.

First, time is clearly not on our side. It is not on the side of victims in Africa nor on the side of victims of these four countries. We don't have time. We don't have much time. We don't have time to wait. Facing this global AIDS crisis cannot be business as usual. It cannot be bureaucracy as usual. We cannot treat this crisis the same way we have done with others. We don't have the luxury of time. For each moment that we delay, obviously people die. People are dying as we speak today. They die every moment.

We saw groups in each country, and organizations and individuals, that are ready now to receive our money and our assistance and our help and who are ready to go into action to deal with the problem. We need to get them the money and allow them to get about the business of saving lives. That is good news. And it was heartwarming to talk to them, to see them.

These are groups that have a proven track record. These are groups that are already doing good work. We just need to give them more resources so they can expand what they are already doing.

Mr. President, Members of the Senate, as we do this, we cannot be timid. Quite frankly, we need to take chances. We need to be willing to say that once in a while we will fail with some of these groups, so we need to say to our own bureaucracy: Do not be afraid of failure. There will be some failures. There will be some foul-ups. But we need to move forward. Lives are at stake. And we will hold you—those of us in the Congress—accountable for being timid. Do not be timid. Move forward.

We need to find these groups that can move forward. We saw many of them on our trip. We need to find these groups, these individuals. We need to fund them, and we need to move on.

For example, Dr. Donny McGrath, who is with the Africa Centre, is ready to go. He has a plan for a 5-year program to establish a model HIV/AIDS treatment prevention program in a rural part of South Africa. He has the structural support necessary to pull off this program that could deliver and will deliver care and treatment to this remote area. We met with him. I think everyone was impressed. And he has the structure of the Africa Centre behind him.

Dr. Tammy Meyers, we met with her. She would like to begin providing treatment for children with AIDS out of South Africa's biggest hospital in Johannesburg. We were told actually it is the biggest hospital in the world. The tragedy is, today they are not—with the exception of a handful of kids—giving kids treatment because they do not have the resources to do it. We are told that in the area of Johannesburg, South Africa, there are 6,000 or 7,000 children who right today are

dying, children who should be on treatment for HIV, children who have AIDS, who could be receiving treatment but yet cannot get these drugs. Dr. Tammy Meyers would like to move forward. We need to get her that help. We need to give that hospital that help.

The Salvation Army is also doing great work in many of these countries. We were so impressed when we went into a Salvation Army orphanage that was providing drug treatment for children they had under their charge in that orphanage. As an organization, the Salvation Army has a proven track record. As I said, they are involved in many of the countries in the world where HIV is a problem, where AIDS is running rampant. We need to say to groups such as the Salvation Army, who have a proven track record: Tell us what you need. What are the resources you need? Tell us what you can do. Let's work together. Let's save lives.

So there are many things we can do, and we can do quickly, and we need to do it. We need to save lives.

Second, in all four nations we visited, when we asked what the No. 1 need was, almost invariably, no matter who we asked, the answer we got back was: We need training. From the doctors to the nurses, when we talked to people who were delivering services right down at the grassroots level, people pled with us: Give us more training. Train our doctors. Train our nurses. Help us.

The fact is, AIDS treatment and prevention is a specialized field of medical care. We need to put more and more specialists in place, doctors who can train other doctors to fight this disease and provide treatment.

Now, I do not have all the answers as to how to do this, but we need to think about it. And as we do the things we can do quickly and relatively easy—as I said before, plug into the existing groups, the existing organizations that are ready to go right now—at the same time, we have to look at what we do in the long run over the next year, 2 years, 3 years, 4 years to deal with this crisis, to answer the call of these countries when people say: We need doctors, specialists. We need the training.

So we need to develop a cadre of doctors. Do we use our Peace Corps? Maybe we use our Peace Corps to do this. Maybe we use the U.S. Public Health Service Corps, revamp it in some way to do this. Maybe what we do is take residents, when they finish their residency in this country, and work out some way so that it is advantageous to them to interrupt their career, in a sense—or really maybe a better way of looking at it is enhancing their career—and give them the opportunity to go and spend a few years working in these African countries, specializing in this area, taking that specialization then and training doctors in these countries—the multiplier effect—so that these countries will then have trained specialists of their own who will stay in their countries and we will help save lives.

That is the type of multiplication and training of doctors we are going to have to think through and figure out over the long run as to how we are going to help them answer that call that we heard time and time again: How are we going to get the training? That is the long run.

No. 3, clean water. On our trip it became very clear just how essential clean water is to fighting AIDS, and also it is essential just to save lives. It is essential to keeping young children alive worldwide. Some 60 percent of all infant mortality worldwide is linked to infectious and parasitic diseases, most of them water related. Furthermore, diseases from dirty water are killing more than 5 million people each year—that is one figure, and I think other estimates, frankly, are much higher than that—while an additional several billion people get sick from unclean water each year.

In just one country, Mozambique, for example, diarrheal diseases are the third largest cause of death in children under 5 years of age. That is the equivalent of 55 deaths per day. Potable water is accessible to only 26 percent of the rural population in Mozambique. Imagine that. Get outside the city, and only one in four of the population has good water, and only 40 percent of the urban population in Mozambique.

The reality is that we cannot effectively treat and fight AIDS without clean water supplies. In impoverished nations, up to 90 percent of AIDS patients suffer from chronic diarrheal diseases, which contribute to an increase in these deaths. One of the complications of AIDS is the development of thrush, which can be alleviated by drinking sufficient quantities of water. Caregivers need to be able to wash their hands before and after caring for an infected person. Mothers infected with HIV/AIDS may choose to use formula to feed their infant children and would need clean water to mix formula.

Providing access to clean water is about the most cost-effective use of our AIDS money because it would provide a double benefit. Digging wells in a village provides the whole village with clean water, not just those stricken with HIV or AIDS.

Providing clean water is a cheap thing to do, and good groups are already doing it. We saw some of those groups during our trip. For example, Lifewater International, a group that we saw, is a partnership of U.S.-based organizations working globally to improve drinking water supplies, hygiene, and sanitation in Third World nations. They are making a difference, and they can do more if we just give them the resources they need. This is a simple and cost-effective strategy, and it is the right thing to do. There are groups such as this all over the world. All we need to do is to take some of these resources, plug into these groups, let them multiply already what they are doing, and we will save hundreds of thousands of lives.

No. 4 of the thoughts I have: Care for the dying. As we focus on saving and prolonging lives, we must not forget the millions who, despite our best efforts, will surely die. Precious little is being done to help them die with dignity. We talked with people who deal with these individuals. We talked with people who see them die. We talked with people who watch them die every day. Those people whose job it is to deal with the dying looked us in the eye and pled with us; they said: Give us the tools, the drugs to allow these people who are dying not to suffer so much and to die with dignity.

The global AIDS bill we passed this May allows us to do this. There are groups out there ready to help, groups capable of helping. We should give them the ability to help the suffering and to help the dying.

No. 5, let me just talk for a moment about government attitude and political leadership in regard to the issue of AIDS. We visited four countries. The governments of Namibia, Mozambique, and Botswana are all fully engaged in this struggle against AIDS. That political leadership is essential in the battle against AIDS. We can only hope the recent public statement by the fourth country, South Africa, in favor of the use of antiretroviral drugs will be followed by an aggressive government attack on the problem.

For those who have not followed this, this is a change in policy. The government in the past had not embraced the use of antiretroviral drugs to treat the AIDS problem. So this has been a change. We can only hope this is a profound change. We can only hope the Government of South Africa will now become much more aggressive in this endeavor.

Some local units of government from South Africa have been aggressive, but unfortunately the tragedy is the central government has not been as aggressive. And while we talked to many people in South Africa who are doing wonderful things, unfortunately there are some people in the South African Government who still would appear to be in a form of denial about this problem. It would appear that progress is being made. We would hope progress will continue to be made.

The sixth point I would like to make is the killing power of stigma. We cannot underestimate the killing power of stigma, people's feelings of shame and disgrace with this disease. Stigma kills. Stigma prevents pregnant women from getting tested for HIV/AIDS. Stigma prevents people from getting treatment. Stigma prevents us from dealing with this crisis head on. There is tremendous denial. People hide the fact they are sick, even if that means risking their lives or even if it means risking the lives of their unborn children.

On our trip we heard doctors speak of women with AIDS who were told they could take drugs that might prevent their child who was about to be born from testing HIV-positive, drugs that

could reduce the odds of the children being born with AIDS by 50 percent. Yet despite hearing this news, we heard about some women who left the clinic never to return because of the stigma attached to having AIDS, never to return because of the ridicule their husbands, their family might inflict upon them. That is a horrible tragedy—a stigma so powerful, so powerful these women would risk the lives of their unborn children, something it is hard for us to understand.

I heard a story that was also hard to understand. I talked to a doctor in South Africa who was intimately involved in drug treatment, who had set up a program of drug treatment. He told me a story about a woman who worked in his house. She had worked there for some time. One day she left, disappeared. He couldn't figure out where she had gone. The days went on. Then the weeks went on. After about 7 weeks, he decided he was going to go look for her. So he got in his car and drove to her village. It turned out it was a drive of 7 hours. He drove and drove and got to her village. When he got there and started asking about her, he found that she had died the day before. This is a woman who died from AIDS, a woman who died rather than acknowledge she had AIDS, who worked for a doctor who was treating people with AIDS. As the doctor said to me: I would have paid for her drugs. I would have taken care of her. I would have done anything. But she wouldn't tell him.

That is the power of the stigma that is attached to this. It kills people. She preferred to die alone, hiding her disease.

What is the solution? I don't know that we have a solution, but there are some things we know. First, in these nations, wherever it occurs, we need to educate people, whether it is in this country or any other country. We need to educate people about AIDS. Second, political leaders need to talk openly about the disease. Leaders in Botswana and Namibia and Mozambique have been forthright and up front and open to public discussions about the disease.

Third, we need to have treatment available so people have hope. No one is going to get tested for HIV/AIDS if there is no treatment and you are told to just go home and die. As Graca Machel said: There is "no effective prevention without treatment."

People must be able to see that they are getting something themselves. By treating people, it offers hope, and it offers incentive for more and more people to get tested. That, by itself, will save lives. That is the reality, Mr. President.

My seventh thought has to do with children. In the four nations we visited, really we are just barely getting started in providing treatment for children who are HIV positive or who already have AIDS. There are—and it is a good news story—some mothers-to-children transmission preventive programs in

the early stages. We have heard from people who are very thankful to the United States, people who are thankful to President Bush, thankful to us and our country, about these programs. Some of these programs are programs we put in place.

We heard some very good success stories about many of these programs. They show very promising results. With these programs and the drugs they provide, we are seeing HIV/AIDS transmission rates from a mother who has AIDS to a child about to be born, and then born, drop from 30 percent to 5 to 10 percent. What do we mean by that? Well, the doctors tell us that if a mother is HIV positive and she is not treated, the odds are approximately 30 percent that she is going to give birth to a child who will be HIV positive. In these developing countries, with treatment—and usually a fairly simple treatment and it costs about \$3—we can reduce those numbers to about 5 to 10 percent. That is a dramatic drop in the number of children who would be born HIV positive. If given the proper medication, the odds go dramatically down.

The challenge, of course, is getting these mother-to-child transmission programs going and then getting the pregnant women into the program.

We also have to face the challenge of treating children who do develop AIDS. That is a different ball game, a different problem. Treatment for these kids is, as I said when I referenced South Africa—and it is true of all the other three countries—is virtually nonexistent, just like the treatment for adults.

In Johannesburg, to take one example—and you can replicate these numbers or use similar numbers across all of Africa, or at least all the countries where HIV is prevalent—there are 6,000 to 7,000 kids in need of antiretroviral treatment, yet fewer than 100 kids are getting any treatment at all. The good news is that there are good people in the hospitals who are ready now to treat these kids. Dr. Tammy Meyers is ready now to start a program to provide drug treatment for these children.

In conclusion, on this trip we saw the human face of Africa. We saw the human face of AIDS. I have seen this face before in Haiti and Guyana. That human face will remain with all of us who went on this trip after all the specific statistics have faded.

I will always remember Graca Machel telling us about her going out in the rural area visiting a grandfather and his two wives. He is 83 and his wives are 73 and 76. They lost their eight children. They saw them die one by one, each one claimed by AIDS. Now these elderly people are caring for their 30 grandchildren after having lost each 1 of these 8 children. I will remember that.

I will remember watching a young teenager as he described losing his parents to AIDS and then having to go from home to home to home, relative

to relative, to see others of his relatives die of AIDS, being handed from one family to another.

I will remember an HIV-positive mother describe giving birth to a child who developed AIDS, a little baby, who died shortly after birth. I will remember watching her describe that child as that child died.

I will also remember an HIV-positive mother who described getting the help she needed, having someone reach out to her, getting the drug treatment she needed before giving birth to her child, and described the joy she felt to know her child was not HIV positive, that her child was a healthy child. We listened to her joyfully describe that child and the future that child now has. Her baby was born HIV free. Her story doesn't need to be the exception.

With our HIV/AIDS money, more and more babies can be born free of AIDS. We need to move quickly. Time is not on our side. We need to move now. We need to invest in the people who are ready to go and in the programs that already work. We need to do all we can to address the human tragedy of global AIDS. We have the ability to ease this suffering, and it is our moral obligation to lead this fight. We are at a critical time in world history. I believe history will judge us well by what we are doing today. It is our obligation at this critical time to make sure that we not only begin this fight—and we have—but that we carry it out, that we stay with it, that we do it effectively, that we do it correctly, and that we stay with it day after day after day.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. DEWINE. 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.

TRIBUTE TO JIMMY PITTS

Mr. REID. Mr. President, I rise today to speak of an American patriot.

Jim Pitts was my classmate during my 4 years at Basic High School in Henderson, NV. I have fond memories of Basic, and one reason is because I also have fond memories of my friend, Dr. Jim Pitts.

I remember when Jim and I were chosen to go to Reno as members of Boys State. We headquartered at UNR. For two young men from Henderson, where there is almost no greenery, it was almost unreal to see the green grass, the

clear flowing water of the Truckee, and even Manzanita Lake.

Boys State is an experience I will always remember. And again, my memories of that experience will always include Jim Pitts.

I also recall our senior prom, Nancy Niece, a junior, was the prom queen . . . and Jim Pitts was president of the senior class. Jim and Mike O'Callaghan, who was one of our teachers and later served as Governor of Nevada, got the idea to bring in some flowers for the dance. It is an understatement to say we had flowers—they were literally everywhere! They were flown in from Hawaii. How they were purchased, I will never know. But what a prom Jimmy put together—memories are made of this.

In high school, Jim was one of the smart kids. He was good at math, and he even liked science. So it was only natural that the faculty recognized his potential. With the support of his teachers and his family, he enrolled at the University of Oregon in Eugene. He graduated with honors, then went on to medical school at the University of Oregon in Portland.

Jim began his residency program to become a surgeon in Fresno, CA. But after 2 years, duty called, and Dr. Pitts joined the United States Army. He volunteered to become a paramedic. In lay terms, this is a medical doctor who parachutes out of airplanes to care for those who are injured in combat.

He served with the 101st Airborne Division during the bloodiest years in Vietnam, 1967–68. In Vietnam, Jim received the Bronze Star, the Army Accommodation Medal, and the Combat Medic Badge. His medical training gave him the skills needed to save lives. He was a hero.

After coming home from Vietnam, Jim returned to Fresno and completed his residency in general surgery. Dr. Pitts then moved back to Nevada, but this time he settled in the north, in Carson City. He has made his home in Carson City ever since, performing miracles and saving lives at the Carson-Tahoe Hospital.

In 1989, Dr. Pitts was honored as Distinguished Physician of the Year by the State Medical Association. He obviously passed his talents as a surgeon along to his son, Todd, who has been serving in his father's practice for the past 6 years.

But Dr. Pitts is not just a talented surgeon, he is also a great friend and a gentleman, a caring person who has made a tremendous difference in his community. And he passed these traits to his daughter Kathy, who teaches school here in Carson City. I know Jim and Carol are very proud of both of their children. And I know they, in turn, are both proud of their parents.

Since our high school days, Jim and I have rarely been able to spend much time together. He went his way, and I went mine. We have had an occasional dinner, and even went shooting together, but not often enough.

In spite of our limited contact, and the passage of 45 years, our friendship has never wavered. I am so proud of Jim and his accomplishments.

I recently wrote Jim a letter, expressing sympathy at the passing of his dear father. Little did I know when I wrote the letter that Jim was ill himself. As soon as I learned of his condition I called him, after worrying the entire weekend about my high school buddy.

When I called, I hoped I would be able to perk him up. But just the opposite occurred. Jim, always the physician, cheered me up.

He said, in effect, I am so fortunate to have the life I have, a wonderful family, and time to plan for the future.

I am sorry I can't attend the event to celebrate Jim's outstanding career, and at the same time—this sounds just like Jimmy Pitts—raise money for the Cancer Treatment Center at Carson-Tahoe Hospital.

Jimmy, may you know from your old boyhood friend of my love and affection.

Thinking of you, I am reminded of the old Jewish saying: "Who finds a faithful friend, finds a treasure."

Fifty years ago, I made a friend, and I found a treasure. Jimmy Pitts has truly been a blessing in my life.

Thank you, Jimmy.

CHANGES TO H. CON. RES. 95 PURSUANT TO SECTION 403 SCHIP RESERVE FUND ADJUSTMENT

Mr. NICKLES. Mr. President, section 403 of H. Con. Res. 95, the FY 2004 budget resolution, permits the chairman of the Senate Budget Committee to make adjustments to the allocation of budget authority and outlays to the Senate Committee on Finance, provided certain conditions are met.

Pursuant to section 403, I hereby submit the revisions to H. Con. Res. 95, and I ask unanimous consent that the revisions be printed in the RECORD.

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

	(\$ in millions)
Current Allocation to Senate Finance Committee:	
FY 2003 Budget Authority	766,693
FY 2003 Outlays	770,464
FY 2004 Budget Authority	769,846
FY 2004 Outlays	773,735
FY 2004-2008 Budget Authority	4,617,937
FY 2004-2008 Outlays	4,627,228
FY 2004-2013 Budget Authority	10,991,162
FY 2004-2013 Outlays	11,006,226
Adjustments:	
FY 2003 Budget Authority	1,259
FY 2003 Outlays	20
FY 2004 Budget Authority	1,325
FY 2004 Outlays	85
FY 2004-2008 Budget Authority	685
FY 2004-2008 Outlays	760

	(\$ in millions)
FY 2004-2013 Budget Authority	560
FY 2004-2013 Outlays	890
Revised Allocation to Senate Finance Committee:	
FY 2003 Budget Authority	767,952
FY 2003 Outlays	770,484
FY 2004 Budget Authority	771,171
FY 2004 Outlays	773,820
FY 2004-2008 Budget Authority	4,618,622
FY 2004-2008 Outlays	4,627,988
FY 2004-2013 Budget Authority	10,991,722
FY 2004-2013 Outlays	11,007,116

TRIBUTE TO DAVID ACKERMAN

Mr. LUGAR. Mr. President, I wish to take this opportunity to recognize a fine public servant who just retired this past August from the Congressional Research Service. David Ackerman is a sterling example of the expertise we in the Congress can call upon to assist us in our legislative responsibilities. I know Senator BIDEN joins me recognizing Mr. Ackerman for his splendid accomplishments during his career at CRS. Mr. President, I ask unanimous consent that a summary of Mr. Ackerman's career be included in the record as part of my remarks. Mr. Ackerman devoted nearly 30 years to supporting Congress in his role as legislative attorney for the American Law Division of CRS. His areas of expertise were international law, foreign affairs and first amendment church-state issues and he applied a keen legal mind and sensitivity for balance and non-partisanship in providing Congress with the informed and objective analysis we need. Dave Ackerman joined CRS in 1974 after graduating with distinction from Georgetown University Law School. Prior to his legal career, after graduating magna cum laude from Knox College, he worked on Capitol Hill in the Washington office of the National Council of Churches. At CRS, Dave quickly established himself as an attorney with the legal analytical skills necessary to provide Members and committees of Congress with high level support on some of the most complex questions facing them in their legislative and oversight roles. He did this with the professionalism, objectivity, and devotion to client support that we in the Congress value in CRS. Dave's career saw numerous awards and recognition for outstanding performance by CRS as well as expressions of commendation by congressional clients. His work was referred to and reprinted widely during congressional deliberations and in a variety of congressional publications. Among the most notable of the latter, are his contributions over the years to the Senate Foreign Relations Committee Print, "Treaties and Other International Agreements: The Role of the United States Senate," a seminal work and invaluable reference resource on this important topic. Mr.

Ackerman's work ranged over many of the controversial issues faced by the Congress and the country over the last 30 years. In the international/foreign affairs law area, Dave wrote extensively on the respective roles of Congress and the executive in waging war and conducting foreign affairs. Both Gulf wars and the Somalia, Kosovo and Afghanistan conflicts raised their own issues of presidential power and congressional prerogatives and Dave was an invaluable source of legal analysis for the Congress, assisting it in understanding this complex interplay. Mr. Ackerman also provided Congress with sophisticated analyses of such issues as the legal implications for treaties of the break-up of the Soviet Union, the termination of the ABM treaty, NATO enlargement, the Kyoto protocol and the International Criminal Court. Recently, Mr. Ackerman has written extensively on the legally—and politically—complex issue of suits over terrorist acts in United States courts. Both the courts and Congress have struggled to develop solutions to this problem, balancing justice for victims with delicate foreign policy concerns. A remarkable aspect of Mr. Ackerman's career with CRS was his ability to range over a number of areas of law. Dave was also a recognized expert on the separation of church and state. The first amendment's commands regarding the establishment of religion and the free exercise of religion have produced some of the most heated debates in the courts and Congress, whether it be prayer or the Pledge of Allegiance in the schools or government aid to religious institutions. Dave was able to write on these issues with a clarity and acumen that enabled Congress to understand the ever-changing law of church and state in its legislative deliberations. In the finest traditions of CRS, Mr. Ackerman brought objectivity and even-handedness to an area that invariably elicited strong emotions and heated argument. Congress and CRS will miss the expertise of David Ackerman. He represented the best of what we have come to expect from CRS. Fortunately, a body of work remains that will inform the Congress for years to come. We wish Dave and his family all the best in his future endeavors.

HONORING OUR ARMED FORCES

Mr. GRASSLEY. Mr. President, I rise today to honor an Iowan who has given his life in service to his country. PFC David Kirchhoff suffered heat stroke in Iraq and was evacuated to a base in Germany where he died. His wife Brooke was with him when he passed away. Private Kirchhoff is the fifth Iowan and the first member of the Iowa Army National Guard to be killed since the start of military operations in Iraq. David Kirchhoff graduated from Metro High School in Cedar Rapids, IA and lived most recently in Anamosa. In addition to his wife Brooke, David leaves

behind his parents, Larry and Nancy Kirchhoff, and two children. Nothing I can say can alleviate their sense of loss, but they remain in my thoughts and prayers. The death of a fellow Iowan brings home the incredible cost of war for me and for other Iowans. David Kirchhoff served his country honorably and was a dedicated soldier, but it is important that we remember him also as a husband, a son, a father, and a friend. Many Iowans are getting to know David Kirchhoff through news stories. We can identify with him and I know many people feel his loss whether they knew him or not. As we honor his tremendous sacrifice, we also honor his life and his memory lives on.

Mr. President, I also come before the Senate today to pay tribute to a fellow Iowan, PVT Michael J. Deutsch. On July 31, 2003, while serving our country in Operation Iraqi Freedom, Private Deutsch was killed when an explosive round hit the armored personnel vehicle in which he was riding. A 2000 graduate of Dubuque Senior High School, Michael Deutsch joined the U.S. Army in 2002. He served with the 1st Squadron, 1st Armored Cavalry Division in Buding, Germany before being deployed to Iraq. I would like to express my deepest sympathy to his parents, Wayne and Ilene Deutsch, as well as the rest of his family, his friends, and his community during these difficult times as they cope with their loss. All of America mourns its fallen sons and daughters, yet we feel an overwhelming sense of appreciation for those who risk their lives for our sake. It's soldiers like Michael that protect our country against those who wish to steal what generations of Americans have worked so hard to maintain—our freedom.

After leaving for the Army, Michael wrote these words to his father:

When changes come we're never ready.
Always thinking of what we should have done.

But I am strong.

You have seen to that.

As I move on I carry with me that which you have given to me, your love.

It is always a tragedy when a young life is ended prematurely, but Private Michael J. Deutsch's legacy of bravery and ultimate sacrifice is one for which we, as Americans, will forever be in his debt.

Mr. LIEBERMAN. Mr. President, at a time when our country's security is challenged on so many fronts, there are those among us who lament that this generation is too inward looking and too selfish to stand up to the task that has befallen them. But they are wrong.

There are Americans, who, raised in a cold conflict with a foe now long past and used to the privilege of liberty and justice, still choose to define themselves by their service to their countrymen and to men and women the world over whom they have never met but for whose freedom they would lay down their lives in sacrifice.

Army SSG Richard S. Eaton Jr. of Guilford, CT, was one such man, and it

is in his honor that I rise to speak today.

Sergeant Eaton, who was assigned to the Army's 323rd Military Intelligence Battalion, Fort Meade, was a mere 37 years old when he died in Ramadi, Iraq, on August 12 of this year.

Of poor consolation to his family and friends is that Sergeant Eaton died while doing what he loved—soldiering in the service of his Nation.

Soldiering and service defined this young man's life and were in his blood; he had many relatives who had served in the U.S. military, including Civil War GEN Amos Eaton, William Eaton, who helped reinstate the deposed leader of Tripoli and rescue American captives in the early 1800s, and both of Sergeant Eaton's grandfathers, who were veterans of World War I and World War II, respectively.

Sergeant Eaton learned about a soldier's life from the stories that his grandfathers told about their own service and the service of their ancestors, and in that retelling, a young Richard Eaton Jr. found something that transfixed him, some quality of honor, of humility, of service. He decided he wanted to be a soldier.

In this goal, Sergeant Eaton succeeded like few soldiers ever do, and for his valor he will be posthumously awarded the Bronze Star for Valor. According to his friends, family, and colleagues, Sergeant Eaton served capably, honorably, and humbly. He never bragged about his numerous citations and commendations, which he only accidentally unveiled to his family when on leave from active duty in Honduras.

When his nearly decade-long tour of duty with the Army was over, Sergeant Eaton went to work at the Pentagon for a military contractor. Still a member of the Army Reserves, he was activated for service this winter and reported for duty to Iraq.

Through his service, Sergeant Eaton demonstrated the best ideals of the American people: service in the face of adversity, a striking unselflessness, and sacrifice not only for his own countrymen, but also for a people whom he had never met.

And so today, I join the senior Senator from Connecticut, Mr. DODD, Governor Rowland, and the people of a grateful State and Nation in paying my most sincere condolences to Sergeant Eaton's family, and my deepest respects to the departed sergeant himself.

Our hearts and prayers go out to his parents in their time of grief.

Know that your son's contributions and ultimate sacrifice will not soon be forgotten.

ADDITIONAL STATEMENTS

TRIBUTE TO E.W. DENNISON

• Mr. BUNNING. Mr. President, I wish to pay tribute to E.W. Dennison, the Murray State University Athletic Di-

rector. Mr. Dennison is an outstanding leader under whose guidance Murray State University has achieved an important balance between athletics and scholarship.

In the 6 years since Mr. Dennison assumed his position as athletic director, Murray State University has seen a marked improvement in its graduation rate for student athletes. According to the Chronicle of Higher Education's 2003-2004 Almanac issue, Murray State University ranks first for having the highest graduation rate among NCAA Division I institutions in Kentucky. This is the second straight year Murray State University has led Kentucky's State-funded institutions in graduation rates of athletes. Prior to Mr. Dennison's tenure as athletic director, it had been several years since Murray State University graduated a senior basketball player. This year Mr. Dennison boasts the readiness of several senior basketball players to graduate.

Additionally, Mr. Dennison has set high standards for academic achievement. The grade point average (GPA) for student athletes at Murray State University is as high as the GPA of the larger student body. Mr. Dennison stresses the importance of good study habits and higher learning and his athletes will graduate with a preparedness for more than just athletics.

Murray State University's athletics programs are poised for a record-setting year on the playing field this year. The balance of academics and athletics that Mr. Dennison has achieved has not come at the expense of either discipline. Rather, Murray State University student athletes are excelling in the classroom and on the playing fields.

Mr. Dennison is a paragon of leadership in Kentucky's institutions of higher education, and his leadership is one that should be emulated across this country. He is a tribute to Kentucky. I thank the Senate for allowing me to honor this remarkable man.●

LOCAL LAW ENFORCEMENT ACT OF 2003

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

I would like to describe a terrible crime that occurred in Washington, D.C. On August 16, 2003, Elvys Augusto Perez, 25, was shot and killed. Mr. Perez was an immigrant from Guatemala who dressed and lived as a woman. Police have classified the first-degree murder as a hate crime.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement

Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.●

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 treaty which were referred to the appropriate committees.

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

MESSAGE FROM THE HOUSE DURING ADJOURNMENT

Under authority of the order of the Senate of July 29, 2003, the Secretary of the Senate, on August 6, 2003, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

H.R. 1018. An act to designate the building located at 1 Federal Plaza in New York, New York, as the "James L. Watson United States Court of International Trade Building".

H.R. 1412. An act to provide the Secretary of Education with specific waiver authority to respond to a war or other military operation or national emergency.

H.R. 1761. An act to designate the facility of the United States Postal Service located at 9350 East Corporate Hill Drive in Wichita, Kansas, as the "Garner E. Shriver Post Office Building".

H.R. 2195. An act to provide for additional space and resources for national collections held by the Smithsonian Institution, and for other purposes.

H.R. 2465. An act to extend for six months the period for which chapter 12 of title 11 of the United States Code is reenacted.

H.R. 2738. An act to implement the United States-Chile Free Trade Agreement.

H.R. 2739. An act to implement the United States-Singapore Free Trade Agreement.

H.R. 2854. An act to amend title XXI of the Social Security Act to extend the availability of allotments for fiscal years 1998 through 2001 under the State Children's Health Insurance Program, and for other purposes.

H.R. 2859. An act making emergency supplemental appropriations for the fiscal year ending September 30, 2003.

S. 1015. An act 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. 1435. An act to provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and to provide information, resources, recommendations, and funding to protect individuals from prison rape.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar.

H.R. 2799. An act making appropriations for the Departments of Commerce, Justice, and the State, the Judiciary, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

H.R. 2861. An act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2004, and for other purposes.

S. 1434. 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.

S. 1490. A bill to eliminate the Federal quota and price support programs for tobacco, to provide assistance to quota holders, tobacco producers, and tobacco-dependent communities, and for other purposes.

S. 1504. A bill to amend the Public Health Service Act to provide protections and countermeasures against chemical, radiological, or nuclear agents that may be used in a terrorist attack against the United States.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on August 7, 2003, she has presented to the President of the United States the following enrolled bill:

S. 1015. An act to authorize grants through the Centers for Disease Control and Prevention for mosquito control programs to prevent mosquito-borne diseases, and for other purposes.

The Secretary of the Senate also reported that on September 2, 2003, she has presented to the President of the United States the following enrolled bill:

S. 1435. An act to provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and to provide information, resources, recommendations, and funding to protect individuals from prison rape.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-255. A resolution adopted by the Town Board of the Town of Southampton of the State of New York relative to the Nuclear Security Act of 2001; to the Committee on Environment and Public Works.

RESOLUTION 869

Whereas, the Town of Southampton is approximately 24 miles from the Millstone II nuclear power facility in Connecticut; and

Whereas, an accident or terrorist act upon the Millstone nuclear facility resulting in the release of radioactive materials into the air could have grave consequences on our Town; and

Whereas, federal legislation has been proposed in the Senate entitled the Nuclear Security Act of 2001—Federal Protection of Nuclear Reactors (S. 1746), introduced by Senator Harry Reid and co-sponsored by Senator Hillary Clinton to address situations like the one we are now facing; and

Whereas, a companion bill H.R. 3382 has been introduced in the House of Representatives by Representative Ed Markey; and

Whereas, both these bills contain provisions that include: the federalization of nuclear power plant security forces; the revision of design criteria for nuclear reactors to include threats equivalent to the events of September 11, 2001, or the use of explosive devices or other modern weaponry; the development of a security plan to prevent disruption of operations or radioactive releases to protect spent fuel pools, to place spent fuel in dry cask storage, and to require background security checks; bi-annual force-on-force exercises to assure that the plant can protect itself from an assault or infiltration from terrorists; distribution of potassium iodide stockpiles in a 50 mile radius of a nuclear power plant with plans for distribution in the event of an accident; emergency planning exercises within a 50 mile zone around a nuclear power plant once every three years and public reporting on the results of the planning exercises; a surcharge on nuclear power generation of up to 1 mil per kilowatt hour plus federal appropriations to fund the security forces and security plans; authorization to deploy the National Guard, Coast Guard, and to restrict air space around reactors in the event of war or national emergency, to be funded through federal appropriations; and now therefore be it

Resolved, That the Town Board of the Town of Southampton supports the passage of the Nuclear Security Act of 2001 and House Bill H.R. 3382; and be it further

Resolved, That a copy of this resolution be sent to the following: Hon. Richard Cheney, Vice President, and President of the Senate, The White House, 1600 Pennsylvania Avenue, Washington D.C. 20500; and Hon. Dennis Hastert, Speaker of the House of Representatives, 2369 Rayburn HOB, Washington, D.C. 20515.

POM-256. A resolution adopted by the Assembly of the State of New York relative to the United Nations Convention on the Elimination of All Forms of Discrimination Against Women Treaty; to the Committee on Foreign Relations.

LEGISLATIVE RESOLUTION

Whereas, the United Nations Convention on the Elimination of All Forms of Discrimination Against Women was adopted by the United Nations General Assembly on December 18, 1979, and became an international treaty on September 3, 1981; and

Whereas, the Convention establishes a worldwide commitment to combat discrimination and violence against women and girls around the world; and

Whereas, as of May of 2001, 168 nations, including all members of the United Nations in the industrialized world except the United States, have ratified or acceded to the Convention provisions, leaving the United States among a small minority of countries, including Afghanistan, North Korea, Iran and Sudan, which have not; and

Whereas, the spirit of the Convention is rooted in the basic principles of the United States, to affirm faith in fundamental human rights, in the dignity and worth of the human person, and in the equal rights of men and women; and

Whereas, because more than ever, in recent months, the United States has taken a leading role in the promotion of democracy and freedom around the world, it is essential to set such an example here at home; and

Whereas, the Convention is critical to the restoration of human rights for women in Afghanistan, as it has been for protecting rights of women in countries as diverse as Uganda, Colombia, Brazil and South Africa, including citizenship rights for women in Botswana and Japan, inheritance rights in Tanzania, and property rights in Costa Rica; and

Whereas, the Convention provides a comprehensive framework for eliminating the various forces that have created and sustained discrimination based on sex against half the world's population; and

Whereas, although women have made major gains in the struggle for equality in social, business, political, legal, educational and other fields in this century, there is much yet to be accomplished, and through its support, leadership and prestige, the United States can help create a world where women are no longer discriminated against and may achieve one of the most fundamental human rights, equality; and

Whereas, the United States has long been a world leader in the promotion of women's rights, and its ratification of the Convention will confirm to its citizens and to citizens of the world that this country unequivocally supports the participation of women in politics, economics and society, at home and throughout the world: Now, therefore, be it

Resolved, That this Legislative Body pause in its deliberations to strongly urge President George W. Bush and Secretary of State Colin L. Powell to place this treaty, the United Nations Convention on the Elimination of All Forms of Discrimination Against Women, in the highest category of priority, in order to accelerate the treaty's passage through the United States Senate Foreign Relations Committee and the full United States Senate, with the goal of the United States Ratification; and be it further

Resolved, That this Legislative Body exhort the United States Foreign Relations Committee to pass this treaty favorably out of Committee; and be it further

Resolved, That this Legislative Body strongly urges the Senate of the United States to ratify the United Nations Convention's continuing goals; and be it further

Resolved, That copies of this Resolution, suitably engrossed, be transmitted to President George W. Bush, Secretary of State Colin L. Powell, President of the Senate Richard B. Cheney, Chairman of the Senate Foreign Relations Committee Joseph R. Biden, Jr. and all members of the New York State Congressional Delegation.

POM-257. A joint resolution adopted by the Legislature of the State of Maine relative to Homeland Security costs; to the Committee on the Judiciary.

JOINT RESOLUTION

Whereas, the tragic events that occurred on September 11, 2001 resulted in a horrific loss of thousands of lives as hijacked planes crashed into the Pentagon, into a field in the countryside of Pennsylvania and into both towers of the World Trade Center in New York City, resulting in their total collapse; and

Whereas, these planned assaults on our nation were perpetrated by terrorists who sought to harm us, our freedoms and our way of life, but ironically the events of September 11, 2001 have resulted in a national unity not seen since World War II; and

Whereas, funded by deep pockets overseas, the terrorists were able to take advantage of us by infiltrating and accessing our airports, towns and cities to plan their attacks and have shown us clearly that there are enemies of our way of life both at home and abroad; and

Whereas, to protect our citizenry, our infrastructure, our cities and our highways and to keep our free society, we need to change certain security measures in many parts of our nation on a day-to-day basis; and

Whereas, new guidelines of security all across the country are being planned, such as increased security personnel and equipment, increased public safety response,

heightened surveillance and intelligence gathering, improved medical preparedness, shelter improvements and improved emergency medical staff; and

Whereas, the costs for hour homeland security have already begun to take their toll on states' budgets across the nation with added marine security costs, higher expenses in human services and bureaus of health and increased transportation and public utility costs: Now, therefore, be it

Resolved, That We, your Memorialists, respectfully urge that the Federal Government be responsible for these increased costs that the states are bearing; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Speaker of the United States House of Representatives and the President of the United States Senate and to each Member of the Maine Congressional Delegation.

REPORTS OF COMMITTEES

Under the authority of the order of the Senate of July 29, 2003, the following reports of committees were submitted on August 26, 2003:

By Ms. SNOWE, from the committee on Small Business and Entrepreneurship, with amendments:

S. 1375. A bill to provide for the reauthorization of programs administered by the Small Business Administration, and for other purposes (Rept. No. 108-124).

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 247. A bill to reauthorize the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998, and for other purposes (Rept. No. 108-125).

S. 1152. A bill to reauthorize the United States Fire Administration, and for other purposes (Rept. No. 108-126).

S. 1234. A bill to reauthorize the Federal Trade Commission, and for other purposes (Rept. No. 108-127).

S. 1261. A bill to reauthorize the Consumer Product Safety Commission, and for other purposes (Rept. No. 108-128).

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment:

S. 1389. A bill to authorize appropriations for the Surface Transportation Board for fiscal years 2004 through 2008, and for other purposes (Rept. No. 108-129).

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1250. A bill to improve, enhance, and promote the Nation's homeland security, public safety, and citizen activated emergency response capabilities through the use of enhanced 911 services, to further upgrade Public Safety Answering Point capabilities and related functions in receiving E-911 calls, and to support the construction and operation of a ubiquitous and reliable citizen activated system and other purposes (Rept. No. 108-130).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with amendments:

S. 391. A bill to enhance ecosystem protection and the range of outdoor opportunities protected by statute in the Skykomish River valley of the State of Washington by designating certain lower-elevation Federal lands as wilderness, and for other purposes (Rept. No. 108-131).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 434. A bill to authorize the Secretary of Agriculture to sell or exchange all or part of certain parcels of National Forest System land in the State of Idaho and use the proceeds derived from the sale or exchange for National Forest System purposes (Rept. No. 108-132).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with amendments:

S. 435. A bill to provide for the conveyance by the Secretary of Agriculture of the Sandpoint Federal Building and adjacent land in Sandpoint, Idaho, and for other purposes (Rept. No. 108-133).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with an amendment:

S. 452. A bill to require that the Secretary of the Interior conduct a study to identify sites and resources, to recommend alternatives for commemorating and interpreting the Cold War, and for other purposes (Rept. No. 108-134).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with amendments:

S. 714. A bill to provide for the conveyance of a small parcel of Bureau of Land Management land in Douglas County, Oregon, to the county to improve management of and recreational access to the Oregon Dunes National Recreation Area, and for other purposes (Rept. No. 108-135).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with an amendment:

S. 1003. A bill to clarify the intent of Congress with respect to the continued use of established commercial outfitter hunting camps on the Salmon River (Rept. No. 108-136).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with amendments:

H.R. 622. A bill to provide for the exchange of certain lands in the Coconino and Tonto National Forests in Arizona, and for other purposes (Rept. No. 108-137).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

H.R. 1012. A bill to establish the Carter G. Woodson Home National Historic Site in the District of Columbia, and for other purposes (Rept. No. 108-138).

By Mr. SPECTER, from the Committee on Veterans' Affairs:

Special Report entitled "Legislative and Oversight Activities During the 107th Congress By the Senate Committee on Veterans' Affairs" (Rept. No. 108-139).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SHELBY (for himself, Mr. BOND, Mr. SARBANES, and Mr. REED):

S. 1571. A bill to increase the Federal Housing Administration mortgage commitment level to carry out the purposes of section 203(b) of the National Housing Act; considered and passed.

By Mr. REID (for Mr. GRAHAM of Florida):

S. 1572. A bill to authorize the expansion of the pilot program of the Department of Veterans Affairs on assisted living for veterans to include three additional health care regions of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. BREAUX:

S. 1573. A bill to redesignate the Tensas River National Wildlife Refuge in the State

of Louisiana as the "Theodore Roosevelt-Tensas River National Wildlife Refuge"; to the Committee on Environment and Public Works.

By Mr. LUGAR:

S. 1574. A bill to direct the Secretary of the Interior to replace the U.S. Fish and Wildlife Service as the Federal agency responsible for the administration, protection and preservation of the Midway Atoll within 90 days after the enactment of this Act, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. FRIST (for himself and Mr. DASCHLE):

S. Res. 218. A resolution commending Michael J. McGhee, Keeper of the Stationery, United States Senate; considered and agreed to.

By Mr. LOTT:

S. Con. Res. 63. A concurrent resolution authorizing the use of the rotunda of the Capitol for the unveiling of the portrait bust of Vice President Dan Quayle on September 10, 2003; considered and agreed to.

ADDITIONAL COSPONSORS

S. 50

At the request of Mr. JOHNSON, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 50, a bill to amend title 38, United States Code, to provide for a guaranteed adequate level of funding for veterans health care, and for other purposes.

S. 202

At the request of Mr. DEWINE, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 202, a bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income that deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States, to allow employers a credit against income tax with respect to employees who participate in the military reserve components, and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes.

S. 269

At the request of Mr. JEFFORDS, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 269, a bill to amend the Lacey Act Amendments of 1981 to further the conservation of certain wildlife species.

S. 271

At the request of Mr. SMITH, the name of the Senator from Missouri (Mr. TALENT) 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. 452

At the request of Mr. REID, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 452, a bill to require that the Secretary of the Interior conduct a study to identify sites and resources, to recommend alternatives for commemorating and interpreting the Cold War, and for other purposes.

S. 518

At the request of Ms. COLLINS, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 518, a bill to increase the supply of pancreatic islet cells for research, to provide better coordination of Federal efforts and information on islet cell transplantation, and to collect the data necessary to move islet cell transplantation from an experimental procedure to a standard therapy.

S. 588

At the request of Mr. ROCKEFELLER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 588, a bill to amend the Social Security Act to guarantee comprehensive health care coverage for all children born after 2004.

S. 623

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

S. 741

At the request of Mr. SESSIONS, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 741, a bill to amend the Federal Food, Drug, and Cosmetic Act with regard to new animal drugs, and for other purposes.

S. 853

At the request of Ms. SNOWE, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 853, a bill to amend title XVIII of the Social Security Act to eliminate discriminatory copayment rates for outpatient psychiatric services under the medicare program.

S. 874

At the request of Mr. TALENT, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 874, a bill to amend title XIX of the Social Security Act to include primary and secondary preventative medical strategies for children and adults with Sickle Cell Disease as medical assistance under the medicaid program, and for other purposes.

S. 884

At the request of Ms. LANDRIEU, the name of the Senator from North Dakota (Mr. CONRAD) 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. 894

At the request of Mr. WARNER, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 894, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 230th Anniversary of the United States Marine Corps, and to support construction of the Marine Corps Heritage Center.

S. 973

At the request of Mr. NICKLES, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 973, a bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain restaurant buildings.

S. 976

At the request of Mr. WARNER, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 976, a bill to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement.

S. 1007

At the request of Mr. LEAHY, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1007, a bill to amend the Child Nutrition Act of 1966 to promote better nutrition among school children participating in the school breakfast and lunch programs.

S. 1010

At the request of Mr. HARKIN, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1010, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities.

S. 1046

At the request of Mr. HOLLINGS, the name of the Senator from Rhode Island (Mr. CHAFEE) 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. 1089

At the request of Mr. SANTORUM, his name was added as a cosponsor of S. 1089, a bill to encourage multilateral cooperation and authorize a program of assistance to facilitate a peaceful transition in Cuba, and for other purposes.

S. 1098

At the request of Mr. CONRAD, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1098, a bill to amend title XVIII of the Social Security Act to update the renal dialysis composite rate.

S. 1201

At the request of Mr. GRAHAM of South Carolina, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1201, a bill to promote healthy lifestyles and prevent unhealthy, risky behaviors among teenage youth.

S. 1245

At the request of Ms. COLLINS, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1245, a bill to provide for homeland security grant coordination and simplification, and for other purposes.

S. 1283

At the request of Mr. GRAHAM of Florida, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 1283, a bill to require advance notification of Congress regarding any action proposed to be taken by the Secretary of Veterans Affairs in the implementation of the Capital Asset Realignment for Enhanced Services initiative of the Department of Veterans Affairs, and for other purposes.

S. 1298

At the request of Mr. AKAKA, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1298, a bill to amend the Farm Security and Rural Investment Act of 2002 to ensure the humane slaughter of non-ambulatory livestock, and for other purposes.

S. 1339

At the request of Mr. BREAUX, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1339, a bill to amend title 5, United States Code, to provide for appropriate overtime pay for National Weather Service employees who perform essential services during severe weather events.

S. 1379

At the request of Mr. JOHNSON, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1394

At the request of Mr. HARKIN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1394, a bill to establish a demonstration project under the medicaid program to encourage the provision of community-based services to individuals with disabilities.

S. 1396

At the request of Ms. SNOWE, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 1396, a bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

S. 1531

At the request of Mr. HATCH, the name of the Senator from Iowa (Mr.

GRASSLEY) was added as a cosponsor of S. 1531, a bill to require the Secretary of the Treasury to mint coins in commemoration of Chief Justice John Marshall.

S. 1545

At the request of Mr. HAGEL, his name was added as a cosponsor of S. 1545, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents.

S. RES. 98

At the request of Mr. CAMPBELL, the names of the Senator from Utah (Mr. HATCH), the Senator from South Dakota (Mr. DASCHLE), the Senator from North Dakota (Mr. DORGAN) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. Res. 98, a resolution expressing the sense of the Senate that the President should designate the week of October 12, 2003, through October 18, 2003, as "National Cystic Fibrosis Awareness Week".

S. RES. 202

At the request of Mr. CAMPBELL, the names of the Senator from Virginia (Mr. ALLEN), the Senator from Illinois (Mr. DURBIN) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. Res. 202, a resolution expressing the sense of the Senate regarding the genocidal Ukraine Famine of 1932–33.

S. RES. 204

At the request of Mr. BIDEN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. Res. 204, a resolution designating the week of November 9 through November 15, 2003, as "National Veterans Awareness Week" to emphasize the need to develop educational programs regarding the contributions of veterans to the country.

S. RES. 210

At the request of Mr. HATCH, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. Res. 210, a resolution expressing the sense of the Senate that supporting a balance between work and personal life is in the best interest of national worker productivity, and that the President should issue a proclamation designating October as "National Work and Family Month".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for Mr. GRAHAM of Florida):

S. 1572. A bill to authorize the expansion of the pilot program of the Department of Veterans Affairs on assisted living for veterans to include three additional health care regions of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

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

• Mr. GRAHAM of Florida. Mr. President, I rise today to urge my colleagues to support an expansion of an existing Department of Veterans Affairs assisted living pilot program.

Currently, 35 percent of veterans are 65 or older, which translates into 8.75 million people. Of that, about 640,000 are 85 and older—those most in need of long-term care. VA estimates that the numbers will more than double to about 1.3 million in 2012.

The assisted living pilot program is designed to help this massive group of men and women who either need long-term care now or potentially will need it in the future. The pilot program was first established through The Veterans Millennium Health Care and Benefits Act, which gave VA clear authority to furnish an assisted living service, including to the spouses of veterans.

For my colleagues who do not know—and I doubt there can be many—assisted living is a form of institutional care for those who need help caring for themselves but who do not need to be in a nursing home. By giving them the option of assisted living in an assistive facility, we allow our elderly veterans to retain their independence. The existing pilot has also provided VA a way to offer long-term care without having to house the program within its hospitals, reducing some of the burden to increase its number of beds.

The Veterans Millennium Health Care and Benefits Act allowed for only one pilot program. After an extensive application process, on January 9, 2001, the Northwest Veterans Integrated Service Network (VISN 20) was selected as the pilot site. Though the panel which selected the winner felt that other applicants, including the second place proposal from Florida's VISN 8, warranted funding, they were tied by the law's limit of one program.

Since its inception, the VA assisted living pilot program in VISN 20 has placed a total of 181 veterans in assisted living facilities. The average veteran selected for the pilot is a 69-year-old unmarried male who was referred from an inpatient hospital setting. The average veteran enrolled in the pilot also typically shows significant functional impairment and a wide variety of physical and mental health conditions.

Initial findings show the average cost of the program is comparable to that of private assisted living—even costing less than some offered in Boise and Portland, two cities that are hosting the program. The average contract facility used for the pilot has 25 rooms.

Another valuable facet of the program is its use of a computerized database that makes it extremely efficient for components such as recruitment, processing of payments, high quality data collection, and data analysis for ongoing management feedback and evaluation.

Clearly, VA needs to do more in the area of long-term care. On May 22 of this year, at the request of the Senate and House Committees on Veterans Affairs, the General Accounting Office (GAO) issued the report VA Long-Term Care: Service Gaps and Facility Restrictions Limit Veterans' Access to Noninstitutional Care. GAO found that "VA's lack of emphasis on increasing access to noninstitutional long-term care services has contributed to service gaps and individual facility restrictions that limit access to care." The report made several recommendations to VA, including that they "refine current performance measures to help ensure that all VA facilities provide veterans with access to required non-institutional services."

In fiscal year 2002, VA served about 36 percent of its long-term care workload in non-institutional settings, yet, that same year, non-institutional care accounted for just 9 percent of VA's long-term care expenditures. Clearly a move from traditional institutional care is wise. The assisted living pilot program goes far in helping VA address these problems and meet the goals set out for them by GAO.

While the assisted living pilot in VISN 20 does not expire until October 2004, I am convinced that veterans in that part of the country are benefitting from the approach. The legislation I introduce today would expand the pilot program to three additional networks, for three additional years. Why should the rest of the Nation be prevented from reaping the benefits of such a practical, cost-effective program?

Both veterans and VA employees affiliated with the program have praised what it has to offer. They believe that it fills an important gap for those who require care but do not need nor want to go to a nursing home. We must expand this program that provides such deserved care to our Nation's veterans, allowing them to maintain both their health and their self-respect.

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. 1572

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

SECTION 1. EXPANSION OF PILOT PROGRAM OF DEPARTMENT OF VETERANS AFFAIRS ON ASSISTED LIVING FOR VETERANS.

Section 103(b) of the Veterans Millennium Health Care and Benefits Act (Public Law 106-117; 113 Stat. 1552; 38 U.S.C. 1710B note) is amended—

(1) by striking "LOCATION OF PILOT PROGRAM.—" and inserting "LOCATIONS OF PILOT PROGRAM.—(1)"; and

(2) by adding at the end the following new paragraph:

"(2)(A) In the addition to the health care region of the Department selected for the pilot program under paragraph (1), the Secretary may also carry out the pilot program in not more than three additional designated

health care regions of the Department selected by the Secretary for purposes of this section.

"(B) Notwithstanding subsection (f), the authority of the Secretary to provide services under the pilot program in a health care region of the Department selected under subparagraph (A) shall cease on the date that is three years after the commencement of the provision of services under the pilot program in the health care region.".

SUBMITTED RESOLUTIONS

SENATE RESOLUTION—COM-MENDING MICHAEL J. MCGHEE, KEEPER OF THE STATIONERY, UNITED STATES SENATE

Mr. FRIST (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 218

Whereas the Senate recognizes that its Keeper of the Stationery, Michael J. McGhee, retired on August 29, 2003;

Whereas Michael J. McGhee became an employee of the Senate in August 1974, and since that date has ably and faithfully upheld the high standards and traditions of the Senate for a period that included 16 Congresses;

Whereas Michael J. McGhee has served with distinction as Keeper of the Stationery, and at all times has discharged the important duties and responsibilities of his office with dedication and excellence; and

Whereas Michael J. McGhee's exceptional service and his unfailing dedication have earned him the esteem and affection of the Senate: Now, therefore, be it

Resolved, That the Senate—

(1) commends Michael J. McGhee for his exemplary service to the Senate and the Nation;

(2) wishes to express its deep appreciation for his long, faithful and outstanding service; and

(3) extends its very best wishes upon his retirement.

SEC. 2. That the Secretary of the Senate shall transmit a copy of this resolution to Michael J. McGhee.

SENATE CONCURRENT RESOLUTION 63—AUTHORIZING THE USE OF THE ROTUNDA OF THE CAPITOL FOR THE UNVEILING OF THE PORTRAIT BUST OF VICE PRESIDENT DAN QUAYLE ON SEPTEMBER 10, 2003

Mr. LOTT submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 63

Resolved by the Senate (the House of Representatives concurring), That the Senate Committee on Rules and Administration is authorized to use the rotunda of the Capitol for the unveiling of the portrait bust of Vice President Dan Quayle on September 10, 2003. The Architect of the Capitol and the Capitol Police Board shall take such action as may be necessary with respect to physical preparations and security for the ceremony.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1542. Mr. SPECTER proposed an amendment to the bill H.R. 2660, making appropria-

tions for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

SA 1543. Mr. BYRD proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, *supra*.

SA 1544. Mr. AKAKA (for himself, Mr. SARBANES, Mr. ALLEN, Mr. CORZINE, Mr. KENNEDY, Mr. DODD, and Ms. STABENOW) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, *supra*.

SA 1545. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, *supra*; which was ordered to lie on the table.

SA 1546. Mr. DeWINE (for Mr. SHELBY) proposed an amendment to the bill H.R. 659, to amend section 242 of the National Housing Act regarding the requirements for mortgage insurance under such Act for hospitals.

TEXT OF AMENDMENTS

SA 1542. Mr. SPECTER proposed an amendment to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes, namely:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For necessary expenses of the Workforce Investment Act of 1998, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act of 1998; \$2,652,588,000 plus reimbursements, of which \$1,631,407,000 is available for obligation for the period July 1, 2004 through June 30, 2005; of which \$1,000,965,000 is available for obligation for the period April 1, 2004 through June 30, 2005, to carry out chapter 4 of the Workforce Investment Act of 1998; and of which \$20,216,000 is available for the period July 1, 2004 through June 30, 2007 for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers: *Provided*, That notwithstanding any other provision of law, of the funds provided herein under section 137(c) of the Workforce Investment Act of 1998, \$276,608,000 shall be for activities described in section 132(a)(2)(A) of such Act and \$1,155,152,000 shall be for activities described in section 132(a)(2)(B) of such Act: *Provided further*, That \$9,039,000 shall be for carrying out section 172 of the Workforce Investment Act of 1998: *Provided further*, That, notwithstanding any other provision of law or related regulation, \$77,330,000 shall be for carrying out section 167 of the Workforce Investment Act of 1998, including \$72,213,000 for formula grants, \$4,610,000 for migrant and seasonal housing, and \$507,000 for other discretionary purposes: *Provided further*, That \$4,609,840 appropriated under this heading in Public Law 108-7 for migrant and seasonal housing under section 167 of the Workforce Investment Act of 1998 and available for obligation for the period July 1, 2003

through June 30, 2004 is hereby rescinded: *Provided further*, That \$4,609,840 is available for obligation for the period July 1, 2003 through June 30, 2004, for farmworker housing organizations with grants expiring June 30, 2003 to carry out migrant and seasonal housing activities, including permanent housing at the option of grantees, under section 167 of the Workforce Investment Act of 1998: *Provided further*, That funds provided to carry out section 171(d) of the Workforce Investment Act of 1998 may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers: *Provided further*, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers.

For necessary expenses of the Workforce Investment Act of 1998, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act of 1998; \$2,463,000,000 plus reimbursements, of which \$2,363,000,000 is available for obligation for the period October 1, 2004 through June 30, 2005, and of which \$100,000,000 is available for the period October 1, 2004 through June 30, 2007, for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965, as amended, \$442,306,000.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of trade adjustment benefit payments and allowances under part I; and for training, allowances for job search and relocation, and related State administrative expenses under part II of chapter 2, title II of the Trade Act of 1974 (including the benefits and services described under sections 123(c)(2) and 151(b) and (c) of the Trade Adjustment Assistance Reform Act of 2002, Public Law 107-210), \$1,338,200,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, \$142,520,000, together with not to exceed \$3,478,032,000 (including not to exceed \$1,228,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980), which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund including the cost of administering section 51 of the Internal Revenue Code of 1986, as amended, section 7(d) of the Wagner-Peyser Act, as amended, the Trade Act of 1974, as amended, the Immigration Act of 1990, and the Immigration and Nationality Act, as amended, and of which the sums available in the allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502-504), and the sums available in the allocation for necessary administrative expenses for carrying out 5 U.S.C. 8501-8523, shall be available for obligation by the States through December 31, 2004, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2006; of which \$142,520,000, together with not to exceed \$768,257,000 of the amount which may be expended from said trust fund, shall be avail-

able for obligation for the period July 1, 2004 through June 30, 2005, to fund activities under the Act of June 6, 1933, as amended, including the cost of penalty mail authorized under 39 U.S.C. 3202(a)(1)(E) made available to States in lieu of allotments for such purpose: *Provided*, That to the extent that the Average Weekly Insured Unemployment (AWIU) for fiscal year 2004 is projected by the Department of Labor to exceed 3,227,000, an additional \$28,600,000 shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) from the Employment Security Administration Account of the Unemployment Trust Fund: *Provided further*, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance programs, may be obligated in contracts, grants or agreements with non-State entities: *Provided further*, That funds appropriated under this Act for activities authorized under the Wagner-Peyser Act, as amended, and title III of the Social Security Act, may be used by the States to fund integrated Employment Service and Unemployment Insurance automation efforts, notwithstanding cost allocation principles prescribed under Office of Management and Budget Circular A-87.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and to the "Federal unemployment benefits and allowances" account, to remain available until September 30, 2005, \$467,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 2004, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, \$115,824,000, including \$2,393,000 to administer welfare-to-work grants, together with not to exceed \$63,137,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

EMPLOYEE BENEFITS SECURITY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employee Benefits Security Administration, \$121,316,000.

PENSION BENEFIT GUARANTY CORPORATION PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96-364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program, including associated administrative expenses, through September 30, 2004 for such Corporation: *Provided*, That none of the funds available to the

Corporation for fiscal year 2004 shall be available for obligations for administrative expenses in excess of \$228,772,000: *Provided further*, That obligations in excess of such amount may be incurred after approval by the Office of Management and Budget and the Committees on Appropriations of the House and Senate.

EMPLOYMENT STANDARDS ADMINISTRATION SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, \$390,045,000, together with \$2,016,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d) and 44(j) of the Longshore and Harbor Workers' Compensation Act: *Provided*, That \$2,000,000 shall be for the development of an alternative system for the electronic submission of reports required to be filed under the Labor-Management Reporting and Disclosure Act of 1959, as amended, and for a computer database of the information for each submission by whatever means, that is indexed and easily searchable by the public via the Internet: *Provided further*, That the Secretary of Labor is authorized to accept, retain, and spend, until expended, in the name of the Department of Labor, all sums of money ordered to be paid to the Secretary of Labor, in accordance with the terms of the Consent Judgment in Civil Action No. 91-0027 of the United States District Court for the District of the Northern Mariana Islands (May 21, 1992): *Provided further*, That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211(d) and 214) and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81 of the United States Code; continuation of benefits as provided for under the heading "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, \$163,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: *Provided*, That amounts appropriated may be used under section 8104 of title 5, United States Code, by the Secretary of Labor to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: *Provided further*, That balances of reimbursements unobligated on September 30, 2003, shall remain available until expended for the payment of compensation, benefits, and expenses: *Provided further*, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for

its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2004: *Provided further*, That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees' Compensation Act, \$39,315,000 shall be made available to the Secretary as follows: (1) for enhancement and maintenance of automated data processing systems and telecommunications systems, \$11,618,000; (2) for automated workload processing operations, including document imaging, centralized mail intake and medical bill processing, \$14,496,000; (3) for periodic roll management and medical review, \$13,201,000; and (4) the remaining funds shall be paid into the Treasury as miscellaneous receipts: *Provided further*, That the Secretary may require that any person filing a notice of injury or a claim for benefits under chapter 81 of title 5, United States Code, or 33 U.S.C. 901 et seq., provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, as amended by Public Law 107-275, (the "Act"), \$300,000,000, to remain available until expended.

For making after July 31 of the current fiscal year, benefit payment to individuals under title IV of the Act, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV of the first quarter of fiscal year 2005, \$88,000,000, to remain available until expended.

ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Act, \$55,074,000, to remain available until expended: *Provided*, That the Secretary of Labor is authorized to transfer to any executive agency with authority under the Energy Employees Occupational Illness Compensation Act, including within the Department of Labor, such sums as may be necessary in fiscal year 2004 to carry out those authorities: *Provided further*, That the Secretary may require that any person filing a claim for benefits under the Act provide as part of such claim, such identifying information (including Social Security account number) as may be prescribed.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

Beginning in fiscal year 2004 and thereafter, such sums as may be necessary from the Black Lung Disability Trust Fund, to remain available until expended, for payment of all benefits authorized by section 9501(d)(1), (2), (4), and (7) of the Internal Revenue Code of 1954, as amended; and interest on advances, as authorized by section 9501(c)(2) of that Act. In addition, the following amounts shall be available from the Fund for fiscal year 2004 for expenses of operation and administration of the Black Lung Benefits program, as authorized by section 9501(d)(5): \$32,004,000 for transfer to the Employment Standards Administration, "Salaries and Expenses"; \$23,401,000 for transfer to Departmental Management, "Salaries and Expenses"; \$338,000 for transfer to Departmental Management, "Office of Inspector General"; and \$356,000 for payments into miscellaneous receipts for the expenses of the Department of the Treasury.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, \$463,324,000, including not to exceed \$93,263,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act (the "Act"), which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Act; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to \$750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: *Provided*, That, notwithstanding 31 U.S.C. 3302, the Secretary of Labor is authorized, during the fiscal year ending September 30, 2004, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Act with respect to any employer of 10 or fewer employees who is included within a category having an occupational injury lost workday case rate, at the most precise Standard Industrial Classification Code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That

not less than \$3,200,000 shall be used to extend funding for the Institutional Competency Building training grants which commenced in September 2000, for program activities for the period of September 30, 2003 to September 30, 2004, provided that a grantee has demonstrated satisfactory performance.

MINE SAFETY AND HEALTH ADMINISTRATION SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, \$270,711,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles; including up to \$2,000,000 for mine rescue and recovery activities; in addition, not to exceed \$750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; and, in addition, the Mine Safety and Health Administration may retain up to \$1,000,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

BUREAU OF LABOR STATISTICS SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, \$440,113,000, together with not to exceed \$75,110,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

OFFICE OF DISABILITY EMPLOYMENT POLICY SALARIES AND EXPENSES

For necessary expenses for the Office of Disability Employment Policy to provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities, \$47,333,000.

DEPARTMENTAL MANAGEMENT SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of three sedans, and including the management or operation, through contracts, grants or other arrangements of Departmental activities conducted by or through the Bureau of International Labor Affairs, including bilateral and multilateral technical assistance and other international labor activities, and \$48,565,000, for the acquisition of Departmental information technology, architecture, infrastructure, equipment, software and related needs which will be allocated by the Department's Chief Information Officer in accordance with the Department's capital investment management process to assure a sound investment strategy; \$351,295,000; together with not to exceed \$314,000, which

may be expended from the Employment Security Administration Account in the Unemployment Trust Fund: *Provided*, That no funds made available by this Act may be used by the Solicitor of Labor to participate in a review in any United States court of appeals of any decision made by the Benefits Review Board under section 21 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 921) where such participation is precluded by the decision of the United States Supreme Court in *Director, Office of Workers' Compensation Programs v. Newport News Shipbuilding*, 115 S. Ct. 1278 (1995), notwithstanding any provisions to the contrary contained in Rule 15 of the Federal Rules of Appellate Procedure: *Provided further*, That no funds made available by this Act may be used by the Secretary of Labor to review a decision under the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) that has been appealed and that has been pending before the Benefits Review Board for more than 12 months: *Provided further*, That any such decision pending a review by the Benefits Review Board for more than 1 year shall be considered affirmed by the Benefits Review Board on the 1-year anniversary of the filing of the appeal, and shall be considered the final order of the Board for purposes of obtaining a review in the United States courts of appeals: *Provided further*, That these provisions shall not be applicable to the review or appeal of any decision issued under the Black Lung Benefits Act (30 U.S.C. 901 et seq.).

VETERANS EMPLOYMENT AND TRAINING

Not to exceed \$193,443,000 may be derived from the Employment Security Administration Account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100-4012, 4211-4215, and 4321-4327, and Public Law 103-353, and which shall be available for obligation by the States through December 31, 2004, of which \$2,000,000 is for the National Veterans' Employment and Training Services Institute. To carry out the Homeless Veterans Reintegration Programs (38 U.S.C. 2021) and the Veterans Workforce Investment Programs (29 U.S.C. 2913), \$26,550,000, of which \$7,550,000 shall be available for obligation for the period July 1, 2004 through June 30, 2005.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$59,291,000, together with not to exceed \$5,561,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

WORKING CAPITAL FUND

For the acquisition of a new core accounting system for the Department of Labor, including hardware and software infrastructure and the costs associated with implementation thereof, \$9,700,000.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this title for the Job Corps shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.

(TRANSFER OF FUNDS)

SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the Appropriations Committees of both

Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 103. In accordance with Executive Order No. 13126, none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended for the procurement of goods mined, produced, manufactured, or harvested or services rendered, whole or in part, by forced or indentured child labor in industries and host countries already identified by the United States Department of Labor prior to enactment of this Act.

SEC. 104. There is authorized to be appropriated such sums as may be necessary to the Denali Commission through the Department of Labor to conduct job training of the local workforce where Denali Commission projects will be constructed.

SEC. 105. Of the funds appropriated for fiscal year 1999 under section 403(a)(5)(H)(i)(II) of the Social Security Act (42 U.S.C. 603(a)(5)(H)(i)(II)) that were allotted as welfare to work formula grants to the States under section 403(a)(5)(A) of such Act (42 U.S.C. 603(a)(5)(A)), \$210,833,000 is hereby rescinded. In order to carry out this section, the Secretary of Labor shall recapture unexpended funds from the States that have received such allotments based on the relative amount of funds from such allotments that remain unexpended in each State as compared to the total amount of funds from such allotments that remain unexpended in all States as of September 30, 2003. The Secretary of Labor is authorized to establish such procedures as the Secretary determines are appropriate to carry out this section.

This title may be cited as the "Department of Labor Appropriations Act, 2004".

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, IV, VII, VIII, X, XII, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V (including section 510), and sections 1128E and 1820 of the Social Security Act, the Health Care Quality Improvement Act of 1986, as amended, the Native Hawaiian Health Care Act of 1988, as amended, the Cardiac Arrest Survival Act of 2000, and the Poison Control Center Enhancement and Awareness Act, \$5,881,322,000, of which \$39,740,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program under section 1820 of such Act: *Provided*, That of the funds made available under this heading, \$250,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: *Provided further*, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: *Provided further*, That fees collected for the full disclosure of information under the "Health Care Fraud and Abuse Data Collection Program", authorized by section 1128E(d)(2) of the Social Security Act, shall be sufficient to recover the full costs of operating the program, and shall remain available until expended to carry out that Act: *Provided further*, that no more than \$10,000,000 is available for carrying out the provisions of U.S.C. Title 42 Section 233(o) including associated administrative expenses: *Provided further*, That \$10,000,000 is to establish a National

Cord Blood Stem Cell Bank Program: *Provided further*, That no more than \$45,000,000 is available for carrying out the provisions of Public Law 104-73: *Provided further*, That of the funds made available under this heading, \$283,350,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: *Provided further*, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: *Provided further*, That \$739,000,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act: *Provided further*, That in addition to amounts provided herein, \$25,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out Parts A, B, C, and D of title XXVI of the Public Health Service Act to fund section 2691 Special Projects of National Significance: *Provided further*, That notwithstanding section 502(a)(1) of the Social Security Act, not to exceed \$116,381,000 is available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act: *Provided further*, That \$73,044,000 is available for special projects of regional and national significance under section 501(a)(2) of the Social Security Act, which shall not be counted toward compliance with the allocation required in section 502(a)(1) of such Act, and which shall be used only for making competitive grants to provide abstinence education (as defined in section 510(b)(2) of such Act) to adolescents and for evaluations (including longitudinal evaluations) of activities under the grants and for Federal costs of administering the grants: *Provided further*, That grants under the immediately preceding proviso shall be made only to public and private entities which agree that, with respect to an adolescent to whom the entities provide abstinence education under such grant, the entities will not provide to that adolescent any other education regarding sexual conduct, except that, in the case of an entity expressly required by law to provide health information or services the adolescent shall not be precluded from seeking health information or services from the entity in a different setting than the setting in which the abstinence education was provided: *Provided further*, That the funds expended for such evaluations may not exceed 3.5 percent of such amount.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM ACCOUNT

Such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act, as amended. For administrative expenses to carry out the guaranteed loan program, including section 709 of the Public Health Service Act, \$3,389,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: *Provided*, That for necessary administrative expenses, not to exceed \$2,972,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, XIX, XXI, and XXVI of the Public Health Service Act, sections 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal Mine Safety and Health Act of 1977, sections 20, 21, and 22 of the Occupational Safety and Health Act of 1970, title IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act of 1980; including purchase and insurance of official motor vehicles in foreign countries; and hire, maintenance, and operation of aircraft, \$4,432,496,000, of which \$250,000,000 shall remain available until expended for equipment, and construction and renovation of facilities, and of which \$232,569,000 for international HIV/AIDS shall remain available until September 30, 2005, including up to \$90,000,000, to remain available until expended for the "International Mother and Child HIV Prevention Initiative." In addition, such sums as may be derived from authorized user fees, which shall be credited to this account: *Provided*, That in addition to amounts provided herein, \$14,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out the National Immunization Surveys: *Provided further*, That in addition to amounts provided herein, \$127,634,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out the National Center for Health Statistics surveys: *Provided further*, That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used, in whole or in part, to advocate or promote gun control: *Provided further*, That in addition to amounts provided herein, \$28,600,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out information systems standards development and architecture and applications-based research used at local public health levels: *Provided further*, That in addition to amounts provided herein, \$41,900,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out Research Tools and Approaches activities within the National Occupational Research Agenda: *Provided further*, That the Director may redirect the total amount made available under authority of Public Law 101-502, section 3, dated November 3, 1990, to activities the Director may so designate: *Provided further*, That the Congress is to be notified promptly of any such transfer: *Provided further*, That not to exceed \$12,500,000 may be available for making grants under section 1509 of the Public Health Service Act to not more than 15 States: *Provided further*, That without regard to existing statute, funds appropriated may be used to proceed, at the discretion of the Centers for Disease Control and Prevention, with property acquisition, including a long-term ground lease for construction on non-Federal land, to support the construction of a replacement laboratory in the Fort Collins, Colorado area: *Provided further*, That notwithstanding any other provision of law, a single contract or related contracts for development and construction of facilities may be employed which collectively include the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232-18.

NATIONAL INSTITUTES OF HEALTH
NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, \$4,770,519,000.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, \$2,897,595,000.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, \$386,396,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, \$1,683,007,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, \$1,510,926,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

(INCLUDING TRANSFER OF FUNDS)

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, \$4,335,255,000: *Provided*, That \$150,000,000 may be made available to International Assistance Programs, "Global Fund to Fight HIV/AIDS, Malaria, and Tuberculosis", to remain available until expended.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, \$1,917,033,000.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, \$1,251,185,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, \$657,199,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, \$637,074,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, \$1,031,411,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, \$505,000,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, \$384,577,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, \$135,579,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, \$431,521,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, \$997,614,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, \$1,391,114,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, \$482,372,000.

NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING

For carrying out section 301 and title IV of the Public Health Service Act with respect to biomedical imaging and bioengineering research, \$289,300,000.

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, \$1,186,483,000: *Provided*, That none of these funds shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants: *Provided further*, That \$119,220,000 shall be for extramural facilities construction grants.

NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to complementary and alternative medicine, \$117,902,000.

NATIONAL CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES

For carrying out section 301 and title IV of the Public Health Service Act with respect to minority health and health disparities research, \$192,824,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities at the John E. Fogarty International Center, \$65,900,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, \$311,835,000, of which \$4,000,000 shall be available until expended for improvement of information systems: *Provided*, That in fiscal year 2004, the Library may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health: *Provided further*, That in addition to amounts provided herein, \$8,200,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out National Information Center on Health Services Research and Health Care Technology and related health services.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, \$323,483,000: *Provided*, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: *Provided further*, That the Director may direct up to 1 percent of the total amount made available in this or any other Act to all National Institutes of Health appropriations to activities the Director may so designate: *Provided further*, That no such appropriation shall be decreased by more than 1 percent by any such transfers and that the Congress is promptly notified of the transfer: *Provided further*, That the National Institutes of Health is authorized to collect third party payments for the cost of clinical services that are incurred

in National Institutes of Health research facilities and that such payments shall be credited to the National Institutes of Health Management Fund: *Provided further*, That all funds credited to the National Institutes of Health Management Fund shall remain available for 1 fiscal year after the fiscal year in which they are deposited: *Provided further*, That up to \$497,000 shall be available to carry out section 499 of the Public Health Service Act.

BUILDINGS AND FACILITIES
(INCLUDING TRANSFER OF FUNDS)

For the study of, construction of, renovation of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, \$89,500,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, single contracts or related contracts, which collectively include the full scope of the project, may be employed for the development and construction of the first and second phases of the John Edward Porter Neuroscience Research Center: *Provided further*, That the solicitations and contracts shall contain the clause "availability of funds" found at 48 CFR 52.232-18.

SUBSTANCE ABUSE AND MENTAL HEALTH
SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH
SERVICES

For carrying out titles V and XIX of the Public Health Service Act with respect to substance abuse and mental health services, the Protection and Advocacy for Mentally Ill Individuals Act of 1986, and section 301 of the Public Health Service Act with respect to program management, \$3,157,540,000: *Provided*, That in addition to amounts provided herein, \$79,200,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out subpart II of title XIX of the Public Health Service Act to fund section 1935(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1935(b) activities shall not exceed 5 percent of the amounts appropriated for subpart II of title XIX: *Provided further*, That in addition to the amounts provided herein, \$21,850,000 shall be available from amounts available under Section 241 of the Public Health Service Act to carry out subpart I of Part B of title XIX of the Public Health Service Act to fund section 1920(b) technical assistance, data collection and program evaluation activities, and further that the total available under this Act for section 1920(b) activities shall not exceed 5 percent of the amounts appropriated for subpart I of Part B of Title XIX: *Provided further*, That in addition to amounts provided herein, \$16,000,000 shall be made available from amounts available under section 241 of the Public Health Service Act to carry out national surveys on drug abuse.

AGENCY FOR HEALTHCARE RESEARCH AND
QUALITY

HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the Public Health Service Act, and part A of title XI of the Social Security Act, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until expended: *Provided*, That the amount made available pursuant to section 927(c) of the Public Health Service Act shall not exceed \$303,695,000.

CENTERS FOR MEDICARE AND MEDICAID
SERVICES

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, \$124,892,197,000, to remain available until expended.

For making, after May 31, 2004, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 2004 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2005, \$58,416,275,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under section 1844 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97-248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, \$95,084,100,000.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the Public Health Service Act, and the Clinical Laboratory Improvement Amendments of 1988, not to exceed \$2,707,603,000, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the Public Health Service Act and section 1857(e)(2) of the Social Security Act, and such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended, and together with administrative fees collected relative to Medicare overpayment recovery activities, which shall remain available until expended: *Provided*, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act shall be credited to and available for carrying out the purposes of this appropriation: *Provided further*, That \$30,000,000, to remain available until September 30, 2005, is for contract costs for CMS's Systems Revitalization Plan: *Provided further*, That \$56,991,000, to remain available until September 30, 2005, is for contract costs for the Healthcare Integrated General Ledger Accounting System: *Provided further*, That the Secretary of Health and Human Services is directed to collect fees in fiscal year 2004 from Medicare+Choice organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act.

HEALTH MAINTENANCE ORGANIZATION LOAN AND
LOAN GUARANTEE FUND

For carrying out subsections (d) and (e) of section 1308 of the Public Health Service Act, any amounts received by the Secretary in connection with loans and loan guarantees under title XIII of the Public Health Service Act, to be available without fiscal year limitation for the payment of outstanding obligations. During fiscal year 2004, no commit-

ments for direct loans or loan guarantees shall be made.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR CHILD SUPPORT
ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For making payments to States or other non-Federal entities under titles I, IV-D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), \$3,292,270,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2005, \$1,200,000,000, to remain available until expended.

For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV-A of the Social Security Act before the effective date of the program of Temporary Assistance for Needy Families (TANF) with respect to such State, such sums as may be necessary: *Provided*, That the sum of the amounts available to a State with respect to expenditures under such title IV-A in fiscal year 1997 under this appropriation and under such title IV-A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV-D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, \$2,000,000,000.

REFUGEE AND ENTRANT ASSISTANCE

For making payments for refugee and entrant assistance activities authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96-422), \$383,894,000: *Provided*, That funds appropriated pursuant to section 414(a) of the Immigration and Nationality Act for fiscal year 2004 shall be available for the costs of assistance provided and other activities through September 30, 2006: *Provided further*, That up to \$9,935,000 is available to carry out the Trafficking Victims Protection Act of 2000.

For carrying out section 5 of the Torture Victims Relief Act of 1998 (Public Law 105-320), \$9,935,000. For carrying out section 462 of the Homeland Security Act of 2002, (Public Law 107-296), \$34,227,000.

PAYMENTS TO STATES FOR THE CHILD CARE AND
DEVELOPMENT BLOCK GRANT

For carrying out sections 658A through 658R of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990), \$2,099,729,000 shall be used to supplement, not supplant State general revenue funds for child care assistance for low-income families: *Provided*, That \$19,120,000 shall be available for child care resource and referral and school-aged child care activities, of which \$1,000,000 shall be for the Child Care Aware toll free hotline: *Provided further*, That, in addition to the amounts required to be reserved by the States under section 658G, \$272,672,000 shall be reserved by the States for activities authorized under section 658G, of which \$100,000,000 shall be for activities that improve the quality of infant and toddler care: *Provided further*, That \$10,000,000 shall be for use by the Secretary for child care research, demonstration, and evaluation activities.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, \$1,700,000,000.

CHILDREN AND FAMILIES SERVICES PROGRAMS

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, sections 310 and 316 of the Family Violence Prevention and Services Act, as amended, the Native American Programs Act of 1974, title II of Public Law 95-266 (adoption opportunities), the Adoption and Safe Families Act of 1997 (Public Law 105-89), sections 1201 and 1211 of the Children's Health Act of 2000, the Abandoned Infants Assistance Act of 1988, sections 261 and 291 of the Help America Vote Act of 2002, the Early Learning Opportunities Act, part B(1) of title IV and sections 413, 429A, 1110, and 1115 of the Social Security Act, and sections 40155, 40211, and 40241 of Public Law 103-322; for making payments under the Community Services Block Grant Act, sections 439(h), 473A, and 477(i) of the Social Security Act, and title IV of Public Law 105-285, and for necessary administrative expenses to carry out said Acts and titles I, IV, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, section 5 of the Torture Victims Relief Act of 1998 (Public Law 105-320), sections 40155, 40211, and 40241 of Public Law 103-322, and section 126 and titles IV and V of Public Law 100-485, \$8,780,002,000, of which \$42,720,000, to remain available until September 30, 2005, shall be for grants to States for adoption incentive payments, as authorized by section 473A of title IV of the Social Security Act (42 U.S.C. 670-679) and may be made for adoptions completed before September 30, 2004; of which \$6,815,570,000 shall be for making payments under the Head Start Act, of which \$1,400,000,000 shall become available October 1, 2004 and remain available through September 30, 2005; and of which \$717,620,000 shall be for making payments under the Community Services Block Grant Act: *Provided*, That not less than \$7,203,000 shall be for section 680(3)(B) of the Community Services Block Grant Act, as amended: *Provided further*, That in addition to amounts provided herein, \$6,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out the provisions of section 1110 of the Social Security Act: *Provided further*, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: *Provided further*, That the Secretary shall establish procedures regarding the disposition of intangible property which permits grant funds, or intangible assets acquired with funds authorized under section 680 of the Community Services Block Grant Act, as amended, to become the sole property of such grantees after a period of not more than 12 years after the end of the grant for purposes and uses consistent with the original grant: *Provided further*, That funds appropriated for section 680(a)(2) of the Community Services Block Grant Act, as amended, shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations: *Provided further*, That \$89,978,000 shall be for activities authorized by the Runaway and Homeless Youth Act, notwithstanding the allocation requirements of section 388(a) of such Act, of which

\$40,505,000 is for the transitional living program: *Provided further*, That \$34,772,000 is for a compassion capital fund to provide grants to charitable organizations to emulate model social service programs and to encourage research on the best practices of social service organizations: *Provided further*, That \$15,000,000 shall be for activities authorized by the Help America Vote Act of 2002, of which \$10,000,000 shall be for payments to States to promote disabled voter access, and of which \$5,000,000 shall be for payments to States for disabled voters protection and advocacy systems.

PROMOTING SAFE AND STABLE FAMILIES

For carrying out section 436 of the Social Security Act, \$305,000,000 and for section 437, \$99,350,000.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities under title IV-E of the Social Security Act, \$5,068,300,000.

For making payments to States or other non-Federal entities under title IV-E of the Act, for the first quarter of fiscal year 2005, \$1,767,700,000.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under section 474 of title IV-E, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

ADMINISTRATION ON AGING
AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, and section 398 of the Public Health Service Act, \$1,360,193,000, of which \$5,500,000 shall be available for activities regarding medication management, screening, and education to prevent incorrect medication and adverse drug reactions; and of which \$2,842,000 shall remain available until September 30, 2006, for the White House Conference on Aging.

OFFICE OF THE SECRETARY
GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, and XX of the Public Health Service Act, and the United States-Mexico Border Health Commission Act, \$342,808,000, together with \$5,851,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund: *Provided*, That of the funds made available under this heading for carrying out title XX of the Public Health Service Act, \$11,885,000 shall be for activities specified under section 2003(b)(2), of which \$10,157,000 shall be for prevention service demonstration grants under section 510(b)(2) of title V of the Social Security Act, as amended, without application of the limitation of section 2010(c) of said title XX: *Provided further*, That of this amount, \$50,000,000 is for minority AIDS prevention and treatment activities; and \$15,000,000 shall be for an Information Technology Security and Innovation Fund for Department-wide activities involving cybersecurity, information technology security, and related innovation projects, and \$5,000,000 is to assist Afghanistan in the development of maternal and child health clinics, consistent with section 103(a)(4)(H) of the Afghanistan Freedom Support Act of 2002.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provi-

sions of the Inspector General Act of 1978, as amended, \$39,497,000: *Provided*, That, of such amount, necessary sums are available for providing protective services to the Secretary and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. 228.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, \$30,936,000, together with not to exceed \$3,314,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

POLICY RESEARCH

For carrying out, to the extent not otherwise provided, research studies under section 1110 of the Social Security Act and title III of the Public Health Service Act, \$23,499,000, which shall be available from amounts available under section 241 of the Public Health Service Act to carry out national health or human services research and evaluation activities: *Provided*, That the expenditure of any funds available under section 241 of the Public Health Service Act are subject to the requirements of section 205 of this Act.

RETIREMENT PAY AND MEDICAL BENEFITS FOR
COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. ch. 55 and 56), and for payments pursuant to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), such amounts as may be required during the current fiscal year. The following are definitions for the medical benefits of the Public Health Service Commissioned Officers that apply to 10 U.S.C. chapter 56, section 1116(c). The source of funds for the monthly accrual payments into the Department of Defense Medicare-Eligible Retiree Health Care Fund shall be the Retirement Pay and Medical Benefits for Commissioned Officers account. For purposes of this Act, the term "pay of members" shall be construed to be synonymous with retirement payments to United States Public Health Service officers who are retired for age, disability, or length of service; payments to survivors of deceased officers; medical care to active duty and retired members and dependents and beneficiaries; and for payments to the Social Security Administration for military service credits; all of which payments are provided for by the Retirement Pay and Medical Benefits for Commissioned Officers account.

PUBLIC HEALTH AND SOCIAL SERVICES
EMERGENCY FUND

For expenses necessary to support activities related to countering potential biological, disease and chemical threats to civilian populations, \$1,856,040,000: *Provided*, That this amount is distributed as follows: Centers for Disease Control and Prevention, \$1,116,156,000; Office of the Secretary, \$61,820,000; Health Resources and Services Administration, \$578,064,000; and \$100,000,000 shall be available until expended for activities to ensure a year-round influenza vaccine production capacity and the development and implementation of rapidly expandable production technologies: *Provided further*, That at the discretion of the Secretary, these amounts may be transferred between categories subject to normal reprogramming procedures: *Provided further*, That employees of the Centers for Disease Control and Prevention or the Public Health Service, both civilian and Commissioned Officers, detailed

to States, municipalities or other organizations under authority of section 214 of the Public Health Service Act for purposes related to homeland security, shall be treated as non-Federal employees for reporting purposes only and shall not be included within any personnel ceiling applicable to the Agency, Service, or the Department of Health and Human Services during the period of detail or assignment.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed \$50,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated under this Act may be used to implement section 399F(b) of the Public Health Service Act or section 1503 of the National Institutes of Health Revitalization Act of 1993, Public Law 103-43.

SEC. 204. None of the funds appropriated in this Act for the National Institutes of Health, the Agency for Healthcare Research and Quality, and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level I.

SEC. 205. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the Secretary's preparation and submission of a report to the Committee on Appropriations of the Senate and of the House detailing the planned uses of such funds.

SEC. 206. Notwithstanding section 241(a) of the Public Health Service Act, such portion as the Secretary shall determine, but not more than 2.2 percent, of any amounts appropriated for programs authorized under said Act shall be made available for the evaluation (directly, or by grants or contracts) of the implementation and effectiveness of such programs.

(TRANSFER OF FUNDS)

SEC. 207. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Health and Human Services in this or any other Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That an appropriation may be increased by up to an additional 2 percent subject to approval by the House and Senate Committees on Appropriations: *Provided further*, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 208. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes, centers, and divisions from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: *Provided*, That the Congress is promptly notified of the transfer.

SEC. 209. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of the National Institutes of Health and the Director of the Office of AIDS Research, shall be made available to the "Office of AIDS Research" account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.

SEC. 210. None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

SEC. 211. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare+Choice program if the Secretary denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: *Provided*, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): *Provided further*, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare+Choice organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

SEC. 212. Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

SEC. 213. The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167) is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking "1997, 1998, 1999, 2000, 2001, 2002, and 2003" and inserting "1997, 1998, 1999, 2000, 2001, 2002, 2003, and 2004"; and

(B) in subsection (e), by striking "October 1, 2003" each place it appears and inserting "October 1, 2004"; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking "September 30, 2003" and inserting "September 30, 2004".

SEC. 214. (a) Except as provided by subsection (e) none of the funds appropriated by this Act may be used to withhold substance abuse funding from a State pursuant to section 1926 of the Public Health Service Act (42 U.S.C. 300x-26) if such State certifies to the Secretary of Health and Human Services by May 1, 2004 that the State will commit additional State funds, in accordance with subsection (b), to ensure compliance with State laws prohibiting the sale of tobacco products to individuals under 18 years of age.

(b) The amount of funds to be committed by a State under subsection (a) shall be equal to 1 percent of such State's substance abuse block grant allocation for each percentage point by which the State misses the retailer compliance rate goal established by the Secretary of Health and Human Services under section 1926 of such Act.

(c) The State is to maintain State expenditures in fiscal year 2004 for tobacco preven-

tion programs and for compliance activities at a level that is not less than the level of such expenditures maintained by the State for fiscal year 2003, and adding to that level the additional funds for tobacco compliance activities required under subsection (a). The State is to submit a report to the Secretary on all fiscal year 2003 State expenditures and all fiscal year 2004 obligations for tobacco prevention and compliance activities by program activity by July 31, 2004.

(d) The Secretary shall exercise discretion in enforcing the timing of the State obligation of the additional funds required by the certification described in subsection (a) as late as July 31, 2004.

(e) None of the funds appropriated by this Act may be used to withhold substance abuse funding pursuant to section 1926 from a territory that receives less than \$1,000,000.

SEC. 215. In order for the Centers for Disease Control and Prevention to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2004, the Secretary of Health and Human Services—

(1) may exercise authority equivalent to that available to the Secretary of State in section 2(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669(c)). The Secretary of Health and Human Services shall consult with the Secretary of State and relevant Chief of Mission to ensure that the authority provided in this section is exercised in a manner consistent with section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) and other applicable statutes administered by the Department of State, and

(2) is authorized to provide such funds by advance or reimbursement to the Secretary of State as may be necessary to pay the costs of acquisition, lease, alteration, renovation, and management of facilities outside of the United States for the use of the Department of Health and Human Services. The Department of State shall cooperate fully with the Secretary of Health and Human Services to ensure that the Department of Health and Human Services has secure, safe, functional facilities that comply with applicable regulation governing location, setback, and other facilities requirements and serve the purposes established by this Act. The Secretary of Health and Human Services is authorized, in consultation with the Secretary of State, through grant or cooperative agreement, to make available to public or nonprofit private institutions or agencies in participating foreign countries, funds to acquire, lease, alter, or renovate facilities in those countries as necessary to conduct programs of assistance for international health activities, including activities relating to HIV/AIDS and other infectious diseases, chronic and environmental diseases, and other health activities abroad.

SEC. 216. The Division of Federal Occupational Health may utilize personal services contracting to employ professional management/administrative and occupational health professionals.

SEC. 217. Notwithstanding section 409B(c) of the Public Health Service Act regarding a limitation on the number of such grants, funds appropriated in this Act may be expended by the Director of the National Institutes of Health to award Core Center Grants to encourage the development of innovative multidisciplinary research and provide training concerning Parkinson's disease. Each center funded under such grants shall be designated as a Morris K. Udall Center for Research on Parkinson's Disease.

SEC. 218. None of the funds appropriated in this or any other Act may be used to carry out or administer the Department of Health

and Human Services Human Resources Consolidation plan.

This title may be cited as the “Department of Health and Human Services Appropriations Act, 2004”.

TITLE III—DEPARTMENT OF EDUCATION EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965 (“ESEA”) and section 418A of the Higher Education Act of 1965, \$14,103,356,000, of which \$6,582,294,000 shall become available on July 1, 2004, and shall remain available through September 30, 2005, and of which \$7,383,301,000 shall become available on October 1, 2004, and shall remain available through September 30, 2005, for academic year 2004–2005: *Provided*, That \$7,107,282,000 shall be available for basic grants under section 1124: *Provided further*, That up to \$3,500,000 of these funds shall be available to the Secretary of Education on October 1, 2003, to obtain updated educational-agency-level census poverty data from the Bureau of the Census: *Provided further*, That \$1,365,031,000 shall be available for concentration grants under section 1124A: *Provided further*, That \$1,670,239,000 shall be available for targeted grants under section 1125: *Provided further*, That \$2,207,448,000 shall be available for education finance incentive grants under section 1125A: *Provided further*, That, notwithstanding any other provision of law, the Secretary shall use data described in sections 1124(a)(1)(B) and 1124(c)(1) of the ESEA that are available on July 1, 2003, to calculate grants for fiscal year 2004 under part A of title I of that Act: *Provided further*, That from the \$8,842,000 available to carry out part E of title I, up to \$1,000,000 shall be available to the Secretary of Education to provide technical assistance to State and local educational agencies concerning part A of title I.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, \$1,188,226,000, of which \$1,025,292,000 shall be for basic support payments under section 8003(b), \$50,668,000 shall be for payments for children with disabilities under section 8003(d), \$44,708,000 shall be for construction under section 8007 and shall remain available through September 30, 2005, \$59,610,000 shall be for Federal property payments under section 8002, and \$7,948,000, to remain available until expended, shall be for facilities maintenance under section 8008.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by titles II, part B of title IV, part A and subparts 6 and 9 of part D of title V, subpart 1 of part A and part B of title VI, and parts B and C of title VII of the Elementary and Secondary Education Act of 1965 (“ESEA”); the McKinney-Vento Homeless Assistance Act; and the Civil Rights Act of 1964, \$5,731,453,000, of which \$4,173,944,000 shall become available on July 1, 2004, and remain available through September 30, 2005, and of which \$1,435,000,000 shall become available on October 1, 2004, and shall remain available through September 30, 2005, for academic year 2004–2005: *Provided*, That funds made available to carry out part B of title VII of the ESEA may be used for construction, renovation and modernization of any elementary school, secondary school, or structure related to an elementary school or secondary school, run by the Department of Education of the State of Hawaii, that serves a predominantly Native Hawaiian student body: *Provided further*, That funds made available to carry out part C of title VII of

the ESEA may be used for construction: *Provided further*, That \$390,000,000 shall be for subpart 1 of part A of title VI of the ESEA: *Provided further*, That no funds appropriated under this heading may be used to carry out section 5494 under the ESEA.

INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title VII, part A of the Elementary and Secondary Education Act of 1965, \$121,573,000.

INNOVATION AND IMPROVEMENT

For carrying out activities authorized by part G of Title I, subpart 5 of part A and parts C and D of title II, and Parts B, C, and D of title V of the Elementary and Secondary Education Act of 1965 (“ESEA”), \$774,133,000: *Provided*, That \$9,935,000 shall be provided to the National Board for Professional Teaching Standards to carry out section 2151(c) of the ESEA: *Provided further*, That \$165,877,000 shall be available to carry out part D of title V of the ESEA.

SAFE SCHOOLS AND CITIZENSHIP EDUCATION

For carrying out subpart 3 of part C of title II, part A of title IV, and subparts 2, 3 and 10 of part D of title V of the Elementary and Secondary Education Act of 1965 (“ESEA”), title VIII–D of the Higher Education Act of 1965, as amended, and Public Law 102–73, \$818,547,000, of which \$447,017,000 shall become available on July 1, 2004 and remain available through September 30, 2005: *Provided*, That of the amount available for subpart 2 of part A of title IV of the ESEA, \$850,000 shall be used to continue the National Recognition Awards program under the same guidelines outlined by section 120(f) of Public Law 105–244: *Provided further*, That \$422,017,000 shall be available for subpart 1 of part A of title IV and \$213,880,000 shall be available for subpart 2 of part A of title IV: *Provided further*, That of the funds available to carry out subpart 3 of part C of title II, up to \$11,922,000 may be used to carry out section 2345 and \$2,980,000 shall be used by the Center for Civic Education to implement a comprehensive program to improve public knowledge, understanding, and support of the Congress and the state legislatures: *Provided further*, That \$25,000,000 shall be for Youth Offender Grants, of which \$5,000,000 shall be used in accordance with section 601 of Public Law 102–73 as that section was in effect prior to enactment of Public Law 105–220.

ENGLISH LANGUAGE ACQUISITION

For carrying out part A of title III of the ESEA, \$665,000,000, of which \$541,259,000 shall become available on July 1, 2004, and shall remain available through September 30, 2005.

SPECIAL EDUCATION

For carrying out parts B, C, and D of the Individuals with Disabilities Education Act, \$11,027,464,000, of which \$5,337,533,000 shall become available for obligation on July 1, 2004, and shall remain available through September 30, 2005, and of which \$5,402,000,000 shall become available on October 1, 2004, and shall remain available through September 30, 2005, for academic year 2004–2005: *Provided*, That \$11,400,000 shall be for Recording for the Blind and Dyslexic to support the development, production, and circulation of recorded educational materials: *Provided further*, That \$1,500,000 shall be for the recipient of funds provided by Public Law 105–78 under section 687(b)(2)(G) of the Act to provide information on diagnosis, intervention, and teaching strategies for children with disabilities: *Provided further*, That the amount for section 611(c) of the Act shall be equal to the amount available for that section during fiscal year 2003, increased by the amount of inflation as specified in section 611(f)(1)(B)(ii) of the Act.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998, and the Helen Keller National Center Act, \$3,004,360,000, of which \$1,000,000 shall be used to improve the quality of applied orthotic and prosthetic research and help meet the demand for provider services: *Provided*, That the funds provided for title I of the Assistive Technology Act of 1998 (“the AT Act”) shall be allocated notwithstanding section 105(b)(1) of the AT Act: *Provided further*, That section 101(f) of the AT Act shall not limit the award of an extension grant to three years: *Provided further*, That no State or outlying area awarded funds under section 101 shall receive less than the amount received in fiscal year 2003.

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.) including the acquisition of equipment, \$16,500,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), \$53,800,000, of which \$367,000 shall be for construction and shall remain available until expended: *Provided*, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), \$100,800,000: *Provided*, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational and Technical Education Act of 1998, subparts 4 and 11 of part D of title V of the Elementary and Secondary Education Act of 1965, and the Adult Education and Family Literacy Act, \$2,093,990,000, of which \$1,274,943,000 shall become available on July 1, 2004 and shall remain available through September 30, 2005 and of which \$791,000,000 shall become available on October 1, 2004 and shall remain available through September 30, 2005: *Provided*, That of the amount provided for Adult Education State Grants, \$69,545,000 shall be made available for integrated English literacy and civics education services to immigrants and other limited English proficient populations: *Provided further*, That of the amount reserved for integrated English literacy and civics education, notwithstanding section 211 of the Adult Education and Family Literacy Act, 65 percent shall be allocated to States based on a State's absolute need as determined by calculating each State's share of a 10-year average of the Immigration and Naturalization Service data for immigrants admitted for legal permanent residence for the 10 most recent years, and 35 percent allocated to States that experienced growth as measured by the average of the 3 most recent years for which Immigration and Naturalization Service data for immigrants admitted for legal permanent residence are available, except that no State shall be allocated an amount less than \$60,000: *Provided further*, That of the amounts made available for the Adult Education and Family Literacy Act, \$9,223,000 shall be for national leadership activities

under section 243 and \$6,732,000 shall be for the National Institute for Literacy under section 242: *Provided further*, That \$160,047,000 shall be available to support the activities authorized under subpart 4 of part D of title V of the Elementary and Secondary Education Act of 1965, of which up to 5 percent shall become available October 1, 2003, for evaluation, technical assistance, school networking, peer review of applications, and program outreach activities and of which not less than 95 percent shall become available on July 1, 2004, and remain available through September 30, 2005, for grants to local educational agencies: *Provided further*, That funds made available to local education agencies under this subpart shall be used only for activities related to establishing smaller learning communities in high schools.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3 and 4 of part A, part C and part E of title IV of the Higher Education Act of 1965, as amended, \$14,174,115,000, which shall remain available through September 30, 2005.

The maximum Pell Grant for which a student shall be eligible during award year 2004–2005 shall be \$4,050.

STUDENT AID ADMINISTRATION

For Federal administrative expenses (in addition to funds made available under Section 458), to carry out part D of title I; subparts 1, 3, and 4 of part A; and parts B, C, D, and E of title IV of the Higher Education Act of 1965, as amended, \$104,703,000.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, section 121 and titles II, III, IV, V, VI, and VII of the Higher Education Act of 1965 (“HEA”), as amended, section 117 of the Carl D. Perkins Vocational and Technical Education Act of 1998, and the Mutual Educational and Cultural Exchange Act of 1961, \$1,974,247,000, of which \$2,000,000 for interest subsidies authorized by section 121 of the HEA shall remain available until expended: *Provided*, That notwithstanding any other provision of law or any regulation, the Secretary of Education shall not require the use of a restricted indirect cost rate for grants issued pursuant to section 117 of the Carl D. Perkins Vocational and Technical Education Act of 1998: *Provided further*, That \$9,935,000, to remain available through September 30, 2005, shall be available to fund fellowships for academic year 2005–2006 under part A, subpart 1 of title VII of said Act, under the terms and conditions of part A, subpart 1: *Provided further*, That \$994,000 is for data collection and evaluation activities for programs under the HEA, including such activities needed to comply with the Government Performance and Results Act of 1993: *Provided further*, That notwithstanding any other provision of law, funds made available in this Act to carry out title VI of the HEA and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 may be used to support visits and study in foreign countries by individuals who are participating in advanced foreign language training and international studies in areas that are vital to United States national security and who plan to apply their language skills and knowledge of these countries in the fields of government, the professions, or international development: *Provided further*, That up to 1 percent of the funds referred to in the preceding proviso may be used for program evaluation, national outreach, and information dissemination activities.

HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), \$238,440,000, of which not less than \$3,573,000 shall be for a match-

ing endowment grant pursuant to the Howard University Endowment Act (Public Law 98–480) and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses authorized under section 121 of the Higher Education Act of 1965, \$774,000 to carry out activities related to existing facility loans entered into under the Higher Education Act of 1965.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

The aggregate principal amount of outstanding bonds insured pursuant to section 344 of title III, part D of the Higher Education Act of 1965 shall not exceed \$355,000,000, and the cost, as defined in section 502 of the Congressional Budget Act of 1974, of such bonds shall not exceed zero.

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title III, part D of the Higher Education Act of 1965, as amended, \$210,000.

INSTITUTE OF EDUCATION SCIENCES

For carrying out activities authorized by Public Law 107–279, \$452,956,000: *Provided*, That, of the amount appropriated, \$144,090,000 shall be available for obligation through September 30, 2005: *Provided further*, That of the amount provided to carry out title I, parts B and D of Public Law 107–279, \$24,362,000 shall be for the national research and development centers authorized under section 133(c): *Provided further*, That \$4,968,000 shall be available to extend for one additional year the contract for the Eisenhower National Clearinghouse for Mathematics and Science Education authorized under section 2102(a)(2) of the Elementary and Secondary Education Act of 1965, prior to its amendment by the No Child Left Behind Act of 2001, Public Law 107–110.

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, \$409,863,000, of which \$13,644,000, to remain available until expended, shall be for building alterations and related expenses for the relocation of Department staff to Potomac Center Plaza in Washington, D.C.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, \$91,275,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, \$44,137,000.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in

order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

(TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 305. (a) The matter under the heading “Title III—Department of Education, Education for the Disadvantaged”, in Public Law 108–7 (117 Stat. 326) is amended—

(1) by striking “\$4,651,199,000” and inserting “\$6,895,199,000”; and

(2) by striking “\$9,027,301,000” and inserting “\$6,783,301,000”.

(b) The additional fiscal year 2003 budget authority provided under subsection (a) shall not be subject to the rescission required by Division N, section 601, of Public Law 108–7.

(c) Subsections (a) and (b) shall become effective immediately upon enactment of this Act.

This title may be cited as the “Department of Education Appropriations Act, 2004”.

TITLE IV—RELATED AGENCIES

ARMED FORCES RETIREMENT HOME

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington and the Armed Forces Retirement Home—Gulfpfort, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, \$65,279,000, of which \$1,983,000 shall remain available until expended for construction and renovation of the physical plants at the Armed Forces Retirement Home—Washington and the Armed Forces Retirement Home—Gulfpfort.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

For expenses necessary for the Corporation for National and Community Service to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, \$350,187,000: *Provided*, That none of the funds made available to the Corporation for National and Community Service in this Act for activities authorized by section 122 of Part C of Title I and Part E of Title II of the Domestic Volunteer Service Act of 1973 shall be used to provide stipends or other monetary incentives to volunteers or volunteer leaders whose incomes exceed 125 percent of the national poverty level.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2006, \$400,000,000: *Provided*, That no funds made available to the Corporation for Public Broadcasting by

this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: *Provided further*, That for fiscal year 2004, in addition to the amounts provided above, \$55,000,000 shall be for costs related to digital program production, development, and distribution, associated with the transition of public broadcasting to digital broadcasting, to be awarded as determined by the Corporation in consultation with public radio and television licensees or permittees, or their designated representatives: *Provided further*, That for fiscal year 2004, in addition to the amounts provided above, \$10,000,000 shall be for the costs associated with implementing the first phase of the next generation interconnection system.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor-Management Relations Act, 1947 (29 U.S.C. 171-180, 182-183), including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95-454 (5 U.S.C. ch. 71), \$43,385,000, including \$1,500,000, to remain available through September 30, 2005, for activities authorized by the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a): *Provided*, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: *Provided further*, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: *Provided further*, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), \$7,774,000.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

For carrying out the Museum and Library Services Act of 1996, \$243,889,000, to remain available until expended.

MEDICARE PAYMENT ADVISORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, \$9,000,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information

Science, established by the Act of July 20, 1970 (Public Law 91-345, as amended), \$1,000,000.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, \$3,339,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141-167), and other laws, \$246,073,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151-188), including emergency boards appointed by the President, \$11,421,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), \$9,610,000.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, \$119,000,000, which shall include amounts becoming available in fiscal year 2004 pursuant to section 224(c)(1)(B) of Public Law 98-76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds \$119,000,000: *Provided*, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, \$150,000, to remain available through September 30, 2005, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98-76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, \$99,350,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than \$6,322,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: *Provided*, That none of the funds made available in any other paragraph of this Act may be transferred to the Office; used to carry out any such transfer; used to provide any office space, equipment, office supplies, communications facilities or services, maintenance services, or administrative services for the Office; used to pay any salary, benefit, or award for any personnel of the Office; used to pay any other operating expense of the Office; or used to reimburse the Office for any service provided, or expense incurred, by the Office: *Provided further*, That funds made available under the heading in this Act, or subsequent Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Acts, may be used for any audit, investigation, or review of the Medicare program.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance trust funds, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, \$21,658,000.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92-603, section 212 of Public Law 93-66, as amended, and section 405 of Public Law 95-216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, \$26,290,000,000, to remain available until expended: *Provided*, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2005, \$12,590,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed \$20,000 for official reception and representation expenses, not more than \$8,410,000,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: *Provided*, That not less than \$1,800,000 shall be for the Social Security Advisory Board: *Provided further*, That unobligated balances of funds provided under this paragraph at the end of fiscal year 2004 not needed for fiscal year 2004 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: *Provided further*, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to section 7131 of title 5,

United States Code, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made: *Provided further*, That \$107,000,000 shall not be available for obligation until September 30, 2004.

In addition, \$120,000,000 to be derived from administration fees in excess of \$5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93-66, which shall remain available until expended. To the extent that the amounts collected pursuant to such section 1616(d) or 212(b)(3) in fiscal year 2004 exceed \$120,000,000, the amounts shall be available in fiscal year 2005 only to the extent provided in advance in appropriations Acts.

From funds previously appropriated for this purpose, any unobligated balances at the end of fiscal year 2003 shall be available to continue Federal-State partnerships which will evaluate means to promote Medicare buy-in programs targeted to elderly and disabled individuals under titles XVIII and XIX of the Social Security Act.

OFFICE OF INSPECTOR GENERAL (INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$20,863,000, together with not to exceed \$61,597,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the "Limitation on Administrative Expenses", Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: *Provided*, That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House and Senate.

UNITED STATES INSTITUTE OF PEACE OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, \$17,200,000.

TITLE V—GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: *Provided*, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or

expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed \$28,000 and \$20,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed \$5,000 from the funds available for "Salaries and expenses, Federal Mediation and Conciliation Service"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed \$5,000 from funds available for "Salaries and expenses, National Mediation Board".

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

SEC. 506. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or sub-contract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 507. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state: (1) the percentage of the total costs of the program or project which will be financed with Federal money; (2) the dollar amount of Federal funds for the project or program; and (3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

SEC. 508. (a) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for any abortion.

(b) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term "health benefits coverage" means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 509. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

SEC. 510. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.208(a)(2) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term "human embryo or embryos" includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

SEC. 511. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established by section 202 of the Controlled Substances Act (21 U.S.C. 812).

(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 512. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 513. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act (42 U.S.C. 1320d-2(b)) providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

SEC. 514. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

This Act may be cited as the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2004".

SA 1543 Mr. BYRD proposed an amendment to amendment SA 1542 proposed by Mr. Specter to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 36, line 16, strike the period and insert "": *Provided further*, That of the funds appropriated in this Act for the National Institutes of Health, \$1,500,000,000 shall not be available for obligation until September 30, 2004: *Provided further*, That the amount \$14,103,356,000 under the heading 'Education for the Disadvantaged' in title III of this Act shall be deemed to be \$20,253,356,000: *Provided further*, That the amount \$6,582,294,000 under the heading 'Education for the Disadvantaged' in title III of this Act shall be deemed to be \$12,732,294,000: *Provided further*, That the amount \$1,670,239,000 under the heading 'Education for the Disadvantaged' in title III of this Act shall be deemed to be \$4,745,239,000: *Provided further*, That the amount \$2,207,448,000 under the heading 'Education for the Disadvantaged' in title III of this Act shall be deemed to be \$5,282,448,000: *Provided further*, That the amount \$6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be \$13,045,199,000: *Provided further*, That the amount \$6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be \$633,301,000."

SA 1544 Mr. AKAKA (for himself, Mr. SARBANES, Mr. ALLEN, Mr. CORZINE, Mr. KENNEDY, Mr. DODD, and Ms. STABENOW) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the end of title III, insert the following:
 SEC. 306. In addition to any amounts that may be made available under this Act to carry out the Excellence in Economic Education Act of 2001 under subpart 13 of part D of title V of the Elementary and Secondary Education Act of 1965, there are appropriated, out of any money in the Treasury not otherwise appropriated, \$5,000,000 to carry out the Excellence in Economic Education Act of 2001.

SA 1545. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 61, between lines 14 and 15, insert the following:

SEC. ____ . GAO STUDY AND REPORT ON THE PROPAGATION OF CONCIERGE CARE.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study on

conciERGE care (as defined in paragraph (2)) to determine the extent to which such care—

(A) is used by medicare beneficiaries (as defined in section 1802(b)(5)(A) of the Social Security Act (42 U.S.C. 1395a(b)(5)(A))); and

(B) has impacted upon the access of medicare beneficiaries (as so defined) to items and services for which reimbursement is provided under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(2) CONCIERGE CARE.—In this section, the term "conciERGE care" means an arrangement under which, as a prerequisite for the provision of a health care item or service to an individual, a physician, practitioner (as described in section 1842(b)(18)(C) of the Social Security Act (42 U.S.C. 1395u(b)(18)(C))), or other individual—

(A) charges a membership fee or another incidental fee to an individual desiring to receive the health care item or service from such physician, practitioner, or other individual; or

(B) requires the individual desiring to receive the health care item or service from such physician, practitioner, or other individual to purchase an item or service.

(b) REPORT.—Not later than the date that is 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the study conducted under subsection (a)(1) together with such recommendations for legislative or administrative action as the Comptroller General determines to be appropriate.

SA 1546. Mr. DEWINE (for Mr. SHELBY) proposed an amendment to the bill H.R. 659, to amend section 242 of the National Housing Act regarding the requirements for mortgage insurance under such Act for hospitals; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hospital Mortgage Insurance Act of 2003".

SEC. 2. STANDARDS FOR DETERMINING NEED AND FEASIBILITY FOR HOSPITALS.

(a) IN GENERAL.—Paragraph (4) of section 242(d) of the National Housing Act (12 U.S.C. 1715z-7) is amended to read as follows:

"(4)(A) The Secretary shall require satisfactory evidence that the hospital will be located in a State or political subdivision of a State with reasonable minimum standards of licensure and methods of operation for hospitals and satisfactory assurance that such standards will be applied and enforced with respect to the hospital.

"(B) The Secretary shall establish the means for determining need and feasibility for the hospital, if the State does not have an official procedure for determining need for hospitals. If the State has an official procedure for determining need for hospitals, the Secretary shall require that such procedure be followed before the application for insurance is submitted, and the application shall document that need has also been established under that procedure."

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by this subsection (a) shall take effect and apply as of the date of the enactment of this Act.

(2) EFFECT OF REGULATORY AUTHORITY.—Any authority of the Secretary of Housing and Urban Development to issue regulations to carry out the amendment made by subsection (a) may not be construed to affect the effectiveness or applicability of such amendment under paragraph (1) of this subsection.

SEC. 3. EXEMPTION FOR CRITICAL ACCESS HOSPITALS.

(a) IN GENERAL.—Section 242 of the National Housing Act (12 U.S.C. 1715z-7) is amended—

(1) in subsection (b)(1)(B), by inserting "unless the facility is a critical access hospital (as that term is defined in section 1861(mm)(1) of the Social Security Act (42 U.S.C. 1395x(mm)(1)))" after "tuberculosis"; and

(2) by adding at the end the following:

"(i) TERMINATION OF EXEMPTION FOR CRITICAL ACCESS HOSPITALS.—

"(1) IN GENERAL.—The exemption for critical access hospitals under subsection (b)(1)(B) shall have no effect after July 31, 2006.

"(2) REPORT TO CONGRESS.—Not later than 3 years after July 31, 2003, the Secretary shall submit a report to Congress detailing the effects of the exemption of critical access hospitals from the provisions of subsection (b)(1)(B) on—

"(A) the provision of mortgage insurance to hospitals under this section; and

"(B) the General Insurance Fund established under section 519."

SEC. 4. STUDY OF BARRIERS TO RECEIPT OF INSURED MORTGAGES BY FEDERALLY QUALIFIED HEALTH CENTERS.

(a) IN GENERAL.—The Secretary of Housing and Urban Development shall conduct a study on the barriers to the receipt of mortgage insurance by Federally qualified health centers (as defined in section 1905(1)(2)(B) of the Social Security Act (42 U.S.C. 1396d(1)(2)(B))) under section 1101 of the National Housing Act (12 U.S.C. 1749aaa), or other programs under that Act.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary of Housing and Urban Development shall submit a report regarding any appropriate legislative and regulatory changes needed to enable Federally qualified health centers to access mortgage insurance under section 1101 of the National Housing Act (12 U.S.C. 1749aaa), or other programs under that Act to—

(1) the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(2) the Committee on Financial Services of the House of Representatives.

PRIVILEGES OF THE FLOOR

Mr. SPECTER. Mr. President, I ask unanimous consent that Julie Carter of my staff be accorded floor privileges during the consideration of the bill.

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

Mr. SPECTER. Mr. President, I ask unanimous consent that Ms. Lisa Bernhardt and Ms. Kathleen Pierce be granted privileges of the floor during the consideration of this bill and any votes thereon.

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

Mr. DASCHLE. Mr. President, I ask unanimous consent that Shawn Gallagher, a fellow in my office, be granted floor privileges for the duration of Senate consideration of the Labor-HHS-Education Appropriations bill.

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

AUTHORIZING USE OF THE CAPITOL ROTUNDA

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate

proceed to the immediate consideration of S. Con. Res. 63.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 63) authorizing the use of the rotunda of the Capitol for the unveiling of the portrait bust of Vice President Dan Quayle on September 10, 2003.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DEWINE. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and that the motion to reconsider be laid upon the table, with no intervening action or debate.

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

The concurrent resolution (S. Con. Res. 63) was agreed to, as follows:

S. CON. RES. 63

Resolved by the Senate (the House of Representatives concurring), That the Senate Committee on Rules and Administration is authorized to use the rotunda of the Capitol for the unveiling of the portrait bust of Vice President Dan Quayle on September 10, 2003. The Architect of the Capitol and the Capitol Police Board shall take such action as may be necessary with respect to physical preparations and security for the ceremony.

COMMENDING MICHAEL J. MCGHEE, KEEPER OF THE STATIONERY

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 218, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 218) commending Michael J. McGhee, Keeper of the Stationery, United States Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I wish to take a moment to recognize a faithful, long-serving member of our Senate family. Mike McGhee—our Keeper of the Stationery—retired this past 29th day of August, after serving the Senate for almost 30 years.

Mike began his Senate career in July 1974 as a sales clerk when the stationery room operation was located in the basement of the Russell Building. He worked his way up in the stationery room to become the 17th Keeper of the Stationery. It is interesting to note that the Senate Stationery Room has been in existence since the very first Congress assembled in Federal Hall in New York City. Since that time—a period of 230 plus years—there have only been 16 other Keepers of the Stationery, a very exclusive group of people indeed!

During Mike's almost three-decade career, he has developed life-long professional relationships with many Sen-

ate employees. Indeed, most Senate staff and members know him and know that they can count on Mike to provide the help they need.

Of special note is Mike's "beyond the call of duty" response to the anthrax attack and related closure of the Hart Building, including the Stationery Room. Under Mike's leadership, the Stationery Room continued operations throughout the response period, fulfilling the countless requests for supplies under a most challenging atmosphere. Mike and his staff helped keep the work of the Senate rolling.

Mike's family—his wife Kathleen, son Luke, and daughter Molly—are justly proud of their husband and dad, respectively, for his many tireless efforts and the significant contributions he has made to the Senate and our country.

As Mike leaves the Senate family, the Senate will miss him. On behalf of all my colleagues and our entire Senate family, I thank Mike for his dedicated service and wish him and his family God-speed in retirement.

Mr. DASCHLE. Mr. President, I wish to add my congratulations to Mike McGhee on his career here in the Senate and to wish him well on his retirement. His rise, over nearly a 30-year span, from clerk in the Stationery Room to become the 17th Keeper of the Stationery shows the dedication and hard work that everyone has come to expect from Mike. The stationery office serves the entire Senate community and involves managing over a \$4 million budget. He has accomplished this task both efficiently and effectively. His commitment to public service has been exemplary. I wish him and his family all the best in the years to come, and I congratulate him on a job well done.

Mr. DEWINE. Mr. President, I ask unanimous consent that the resolution be agreed to; that the preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to this resolution be printed in the RECORD.

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

The resolution (S. Res. 218) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 218

Whereas the Senate recognizes that its Keeper of the Stationery, Michael J. McGhee, retired on August 29, 2003;

Whereas Michael J. McGhee became an employee of the Senate in August 1974, and since that date has ably and faithfully upheld the high standards and traditions of the Senate for a period that included 16 Congresses;

Whereas Michael J. McGhee has served with distinction as Keeper of the Stationery, and at all times has discharged the important duties and responsibilities of his office with dedication and excellence; and

Whereas Michael J. McGhee's exceptional service and his unfailing dedication have earned him the esteem and affection of the Senate: Now, therefore, be it

Resolved, That the Senate—

(1) commends Michael J. McGhee for his exemplary service to the Senate and the Nation;

(2) wishes to express its deep appreciation for his long, faithful and outstanding service; and

(3) extends its very best wishes upon his retirement.

SEC. 2. That the Secretary of the Senate shall transmit a copy of this resolution to Michael J. McGhee.

HOSPITAL MORTGAGE INSURANCE ACT OF 2003

Mr. DEWINE. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of H.R. 659 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 659) to amend section 242 of the National Housing Act regarding the requirements for mortgage insurance under such Act for hospitals.

There being no objection, the Senate proceeded to consider the bill.

Mr. DEWINE. Mr. President, I ask unanimous consent that the substitute that is at the desk be agreed to; that the bill, as amended, be read the third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 1546) was agreed to, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hospital Mortgage Insurance Act of 2003".

SEC. 2. STANDARDS FOR DETERMINING NEED AND FEASIBILITY FOR HOSPITALS.

(a) IN GENERAL.—Paragraph (4) of section 242(d) of the National Housing Act (12 U.S.C. 1715z-7) is amended to read as follows:

"(4)(A) The Secretary shall require satisfactory evidence that the hospital will be located in a State or political subdivision of a State with reasonable minimum standards of licensure and methods of operation for hospitals and satisfactory assurance that such standards will be applied and enforced with respect to the hospital.

"(B) The Secretary shall establish the means for determining need and feasibility for the hospital, if the State does not have an official procedure for determining need for hospitals. If the State has an official procedure for determining need for hospitals, the Secretary shall require that such procedure be followed before the application for insurance is submitted, and the application shall document that need has also been established under that procedure."

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by this subsection (a) shall take effect and apply as of the date of the enactment of this Act.

(2) EFFECT OF REGULATORY AUTHORITY.—Any authority of the Secretary of Housing and Urban Development to issue regulations to carry out the amendment made by subsection (a) may not be construed to affect the effectiveness or applicability of such

amendment under paragraph (1) of this subsection.

SEC. 3. EXEMPTION FOR CRITICAL ACCESS HOSPITALS.

(a) IN GENERAL.—Section 242 of the National Housing Act (12 U.S.C.1715z-7) is amended—

(1) in subsection (b)(1)(B), by inserting “, unless the facility is a critical access hospital (as that term is defined in section 1861(mm)(1) of the Social Security Act (42 U.S.C. 1395x(mm)(1)))” after “tuberculosis”; and

(2) by adding at the end the following:

“(i) TERMINATION OF EXEMPTION FOR CRITICAL ACCESS HOSPITALS.—

“(1) IN GENERAL.—The exemption for critical access hospitals under subsection (b)(1)(B) shall have no effect after July 31, 2006.

“(2) REPORT TO CONGRESS.—Not later than 3 years after July 31, 2003, the Secretary shall submit a report to Congress detailing the effects of the exemption of critical access hospitals from the provisions of subsection (b)(1)(B) on—

“(A) the provision of mortgage insurance to hospitals under this section; and

“(B) the General Insurance Fund established under section 519.”.

SEC. 4. STUDY OF BARRIERS TO RECEIPT OF INSURED MORTGAGES BY FEDERALLY QUALIFIED HEALTH CENTERS.

(a) IN GENERAL.—The Secretary of Housing and Urban Development shall conduct a study on the barriers to the receipt of mortgage insurance by Federally qualified health centers (as defined in section 1905(1)(2)(B) of the Social Security Act (42 U.S.C. 1396d(1)(2)(B))) under section 1101 of the National Housing Act (12 U.S.C. 1749aaa), or other programs under that Act.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary of Housing and Urban Development shall submit a report regarding any appropriate legislative and regulatory changes needed to enable Federally qualified health centers to access mortgage insurance under section 1101 of the National Housing Act (12 U.S.C. 1749aaa), or other programs under that Act to—

(1) the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(2) the Committee on Financial Services of the House of Representatives.

The bill (H.R. 659), as amended, was read the third time and passed.

INCREASING THE FEDERAL HOUSING ADMINISTRATION MORTGAGE COMMITMENT LEVEL

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1571.

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

The legislative clerk read as follows:

A bill (S. 1571) to increase the Federal Housing Administration mortgage commitment level to carry out the purposes of section 203(b) of the National Housing Act.

There being no objection, the Senate proceeded to consider the bill.

Mr. DEWINE. Mr. President, I ask unanimous consent that the bill be read the third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to this measure be printed in the RECORD.

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

The bill (S. 1571) was read the third time and passed, as follows:

S. 1571

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

Notwithstanding the first paragraph of the item in title II of Division K of the Consolidated Appropriations Resolution, 2003 (Public Law 108-7) relating to “FEDERAL HOUSING ADMINISTRATION – MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT”, during the fiscal year 2003, commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act (12 U.S.C. 1709), shall not exceed a loan principal of \$185,000,000,000.

MEASURES PLACED ON THE CAL- ENDAR—S. 1434, S. 1490, S. 1504, H.R. 2799, AND H.R. 2861

Mr. DEWINE. Mr. President, I understand there are five bills at the desk which are due for a second reading. I ask unanimous consent that the bills be given a second reading, en bloc, and I object to further proceedings on the measures at this time.

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

The objection is noted. Under the rules, the bills will be placed on the calendar.

ORDER FOR PRINTING OF H.R. 6

Mr. DEWINE. Mr. President, I ask unanimous consent that H.R. 6, as passed by the Senate on July 31, 2003, be printed.

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

REMOVAL OF INJUNCTION OF SE- CRECY—TREATY DOCUMENT NO. 108-8

Mr. DEWINE. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following protocol transmitted to the Senate on September 2, 2003, by the President of the United States: Protocol to Treaty of Friendship, Commerce, and Navigation with Denmark, treaty document 108-8.

I further ask that the protocol be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Protocol to the Treaty of Friendship, Commerce, and Navigation Between the United States and Denmark of October 1, 1951, signed at Copenhagen on May 2, 2001. I transmit also, for the information of the Senate, the report of the Department of State with respect to this protocol.

The protocol will establish the legal basis by which the United States may issue treaty-investor (E-2) visas to qualified nationals of Denmark, by supplementing the U.S.-Denmark friendship, commerce, and navigation (FCN) treaty to allow for entry and sojourn of investors, a benefit provided in the large majority of U.S. FCN treaties. United States investors are already eligible for Danish visas that offer comparable benefits to those that would be accorded nationals of Denmark under E-2 visa status.

The United States has long championed the benefits of an open investment climate, both at home and abroad. It is the policy of the United States to welcome market-driven foreign investment and to permit capital to flow freely to seek its highest return. Denmark also provides an open investment climate. Visas for investors facilitate investment activity, and thus directly support U.S. policy objectives.

I recommend that the Senate consider this protocol as soon as possible, and give its advice and consent to ratification of the protocol at an early date.

GEORGE W. BUSH.

THE WHITE HOUSE, September 2, 2003.

ORDERS FOR TUESDAY, SEPTEMBER 2, 2003

Mr. DEWINE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, September 3. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved, the time for the two leaders be reserved and the Senate then resume consideration of H.R. 2660, the Labor-HHS-Education appropriations 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. DEWINE. Mr. President, for the information of all Senators, tomorrow the Senate will resume consideration of H.R. 2660, the Labor-HHS-Education appropriations bill. There are two pending amendments that were offered and debated during today's session. It is hoped that we will be able to schedule votes in relation to these amendments as early as possible tomorrow. The leader would like to alert all Members that rollcall votes can be expected at approximately 12 noon on Wednesday. Therefore, Senators should expect the possibility of votes prior to the party lunches and Members will be notified when the first vote is scheduled.

ORDER FOR ADJOURNMENT

Mr. DEWINE. If there is no further business to come before the Senate, I

ask unanimous consent that the Senate adjourn under the previous order after the remarks of Senator BYRD.

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

RELIEF FOR AMERICAN TROOPS

Mr. BYRD. Mr. President, Senators and Representatives are now returning to Washington, D.C., from their sojourns to their home districts. With the turn of a page on a calendar, the dog days of summer draw to a close, and our Nation's Capital City returns to life from its annual slumber. The business of government is set once more to spring into high gear as the oppressive heat of August turns to the cooler days of September.

Many of those who carry out the work of the American people were fortunate to escape the worst days of the oppressive Washington summer. But as policy makers return to their hectic schedules, we must remember that there are many thousands of Americans on the other side of the globe who were not afforded any relief from sweltering temperatures or allowed any bit of relaxation from their life-threatening missions.

There was no summer vacation for the 136,000 U.S. troops in Iraq, the 34,000 soldiers in Kuwait, or the 9,600 personnel in Afghanistan. These Americans sweated through all 31 days of August under their Kevlar helmets and heavy bulletproof vests. Many had no opportunity to enjoy the luxury of air conditioning or even a simple glass of ice water, for they were kept on high alert during every waking moment watching for snipers, booby traps, and assassins.

As the cost of our occupation of Iraq continues to grow, it is increasingly apparent to the American people that the White House has gotten the United States more deeply involved in Iraq than the administration's pre-war rhetoric would ever have led us to believe.

As of Friday, August 29, we have lost 282 Americans during the invasion and occupation of Iraq, and nearly 1,400 have been wounded during that time. The news today is of two more soldiers killed in a roadside bomb attack. The number of American lives lost is quickly approaching the total number of Americans killed during 1991's Operation Desert Storm, when 292 troops lost their lives to hostile fire and accidents.

The dangers of Iraq have shown no signs of abating. The August 19 bombing of the U.N. headquarters in Baghdad claimed the lives of 23 international aid workers, and the August 29 bombing of a mosque in Najaf appears to have killed more than 80 worshippers.

Only a handful of Iraqi leaders who are pictured on the military's most-wanted deck of cards remain at large, but the perpetrators of the attacks seem to be broadening their set of targets. It appears that the violence is not

just perpetrated by Iraqis, but that Iraq is becoming a new stage for terrorists to strike at the United States. The top Army officer in charge of ground troops in Iraq, General Ricardo Sanchez, spoke in July describing our occupation forces as a "terrorist magnet, where America, being present here in Iraq, creates a target of opportunity."

While the sons and daughters of America continue to patrol the shooting gallery in Iraq, progress toward bringing reinforcements from our friends and allies has proceeded at a miserable pace. For every foreign soldier in Iraq, there are nearly nine American troops. Other countries with sizable militaries, such as France, Germany, and India, have flatly refused to participate in the occupation of Iraq without a U.N.-authorized peacekeeping mission. Turkey, our staunch ally on the northern border of Iraq, has announced that it will delay a vote on sending peacekeepers until some time in October.

Does it really come as a surprise to anyone that many of our allies are reluctant to commit their own troops to the aftermath of a pre-emptive war, considering how the Administration tried to bully them during our headlong rush to war against Iraq? While the White House was furiously trying to twist arms in Berlin, Paris, Ankara, and Moscow to gain acquiescence to a war in Iraq, millions took to the streets to protest the President's policy toward Iraq.

According to polls released by the Pew Research Center on March 18, 2003, the day before the war began, opposition to a war in Iraq was at 69 percent in Germany, 75 percent in France, 86 percent in Turkey, and 87 percent in Russia. Yet the White House scoffed at this opposition and belittled the need to unify the world in confronting Saddam Hussein. Could it be that our troops are now paying the price for the Administration's bullheaded rush to war without the broad and active support of the international community?

But even if more international troops arrive under the Administration's plans, Americans should not be lulled into thinking that the threat to our troops will be over. Pentagon planners are now working to divide the occupation of Iraq among the British, an unidentified foreign force, and U.S. troops.

It appears that this plan will continue to have American troops bear the responsibility of patrolling the "Sunn triangle," where the bulk of the guerrilla attacks have been occurring. Our men and women in uniform will continue to walk through the dangerous back alleys of Baghdad, Tikrit, and Fallujah, facing daily attacks. For so long as U.S. troops continue to carry the overwhelming bulk of the occupation mission in Iraq, our troops will remain overburdened and under fire.

Let there be no doubt, our troops are stretched thin. On June 24, 2003, I requested a study by the Congressional

Budget Office on how a protracted mission in Iraq could affect our military readiness. In particular, I asked how many troops our armed forces can devote to a long-term occupation of Iraq, what stresses this might place upon the National Guard and the Reserves, and what costs and risks may be associated with the strain upon our forces.

The results of the CBO study, which will be released tomorrow, is quantified evidence that the long-term occupation is straining our forces close to the breaking point.

According to the advance copy of the CBO report that was delivered to my office today, if we are to rely primarily on the active duty Army to carry out the occupation of Iraq while maintaining our presence in Korea, Afghanistan, the Balkans, and elsewhere, we can only maintain 38,000 to 64,000 soldiers in Iraq and Kuwait over the long term.

Even if the Pentagon takes extraordinary measures, such as depending on large deployments of the National Guard and the Reserves and using Marines as peacekeepers, the CBO report estimates that we could still only sustain 67,000 to 106,000 troops in Iraq for the long term. The annual incremental cost for a continuing deployment of this size, assuming that the security situation becomes stable, could be up to \$19 billion per year.

Some have suggested that the strain on our soldiers in Iraq could be relieved by adding 2 new Army divisions to the existing 10. The CBO report estimates that this option would cost up to \$19.4 billion in one-time costs, would add another \$9.5 billion to \$10.1 billion to the annual defense budget, and would take from 3 to 5 years to field those troops.

The CBO report also analyzes how a large commitment of troops to Iraq would affect the ability of our armed forces to respond to a crisis elsewhere in the world, such as a North Korean invasion of South Korea. Not surprisingly, the larger the commitment the U.S. maintains in Iraq, the fewer troops we would have ready to respond to other threats. The statistics contained in the CBO report prompts more questions about the readiness of our military during a sustained occupation of Iraq.

The CBO also reports that our troop levels in Iraq will have to start declining by March 2004 if we hope to preserve readiness in our armed forces. Indeed, the Army has already drafted a plan to start rotating units in and out of Iraq by that time. But this plan also anticipates that foreign troops will arrive to take up the slack in the occupation mission created by a declining number of U.S. troops. So far, however, administration efforts to line up countries to join in this mission have been less than impressive.

That the White House failed to prepare the American public for the demands of post-war Iraq on our troops is painfully evident.

Now there are rumblings that the administration may be ready to swallow

its false pride and seek a new U.N. resolution to encourage foreign participation in the occupation of Iraq. This would be a positive development, one that the administration should have embraced a long time ago.

We have heard grandiose claims of international cooperation from this administration before. On April 8, 2003, President Bush promised a "vital role" for the U.N. in rebuilding Iraq. When pressed about what he meant, the President responded:

When we say vital role for the United Nations, we mean vital role for the United Nations in all aspects of the issue.

Let us hope that reality begins to match rhetoric.

I sincerely hope that the talk of a rapprochement with the U.N. is not more rhetoric or posturing by the administration. Our sons and daughters cannot be asked to bear the heavy burdens in Iraq essentially alone. The report that will be issued by the Congressional Budget Office tomorrow demonstrates that even our overwhelming military technology cannot offset the toll of maintaining a huge commitment of troops in Iraq for the long haul.

We can no longer afford to deliberate on whether to put a formal request for peacekeepers before NATO and the United Nations Security Council.

Every day frittered away by the administration is another day that our troops will bear the staggering burden of the dangers of occupation virtually alone.

Every month that goes by without more help from our friends and allies means billions more taxpayer dollars spent on our occupation of Iraq, and most sadly, more grieving American families.

For the sake of the brave men and women who serve our country in uniform on the dangerous streets and in the back alleys of Iraq, the administra-

tion should do now what it failed to do before the war. The United States must ask for the support of NATO and the United Nations to share not only the burdens but also the decisions regarding post-war Iraq. That appeal must be genuine and must be made now.

I yield the floor.

ADJOURNMENT UNTIL TOMORROW AT 9:30 A.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 4:15 p.m., adjourned until Wednesday, September 3, 2003, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 2, 2003:

DEPARTMENT OF STATE

DAVID L. LYON, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BE AMBASSADOR TO THE REPUBLIC OF KIRIBATI.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF NAVAL RESERVE, UNITED STATES NAVY, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5143:

To be vice admiral

REAR ADM. JOHN G. COTTON, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

GEOFFREY H. HILLS, 0000
JOHN B. STEELE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

CRAIG H. MORRIS, 0000
SHERICE D. YOUNG, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

BRIAN P. OLSON, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

TERI L. POULTON-CONSOLDANE, 0000
SHELDON G. WHITE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

SCOTT G. BOOK, 0000
JAMES L. FOLZ, 0000
CHRISTOPHER G. HAYES, 0000
BRIAN M. LONG, 0000
SARAH K. SLAVENS, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN THE JUDGE ADVOCATE GENERAL CORPS AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be colonel

KEVIN J. CHAPMAN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

MARY M. MCCORD, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

to be lieutenant colonel

CHARLES A. JARNOT, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTION 624 AND 531:

To be major

JOSEPH T. RAMSEY, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

BRYAN D. MCKINNEY, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

JON C. RHODES, 0000