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Senate

The seventh day of January being the day prescribed by Senate Joint Resolution 53 for the meeting of the 1st session of the 108th Congress, the Senate assembled in its Chamber at the Capitol and at 12 noon was called to order by the Vice President (Mr. CHENEY).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, we are one Nation under Your sovereignty, one body of leaders ready to be led by You, one band of patriots called to love You and serve our Nation above party or personal popularity, one family charged to work together in spite of differences to achieve Your will for our society. Today is an awesome time of dedication for the Senators-elect who will make an unreserved commitment to You, our beloved Nation, and our cherished Constitution. Give them a vision of their potential greatness as leaders; make them riverbeds for the flow of Your wisdom. Thank You for the families that nurtured them, the mentors who help them realize their talents and the power of Your gifts, and the loved ones who now stand by them to uphold and sustain them. May the vows they are about to take engender in them true humility. Save them from the seduction of power, political aggrandizement, and the bogus might of manipulation. With only You to please, set them free to speak truth, honed by study and prayer, to discern what is right and do it regardless of who gets the credit, to be distinguished for their integrity. All of the Senators and Officers of the Senate join with these new Senators once again in putting You and their families first, the good of the Nation second, consensus around truth, third; party loyalties, fourth; and, last of all, personal success. The time for greatness is now; the place for greatness is here; and the secret of greatness is in constant dependence on Your guidance and strength! You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable RICHARD CHENEY 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.

CERTIFICATE OF ELECTION AND CREDENTIALS

The VICE PRESIDENT. The Chair lays before the Senate one certificate of election to fill an unexpired term, two letters of resignation, and two certificates of appointment to fill the vacancies created thereby, and the certificates of election of 33 Senators elected for 6-year terms beginning January 3, 2003.

All certificates, the Chair is advised, are in the form suggested by the Senate, or contain all of the essential requirements of the form suggested by the Senate.

If there be no objection, the reading of the above-mentioned letters and the certificates will be waived, and they will be printed in full in the RECORD.

The documents ordered to be printed in the RECORD are as follows:

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

U.S. SENATE,
Washington, DC, November 20, 2002.

Hon. RICHARD B. CHENEY,
President of the United States Senate, Dwight D. Eisenhower Executive Office Building, Washington, DC.

DEAR MR. PRESIDENT: I herewith tender my resignation as a Member of the United States Senate from Texas to become effective at the close of business on Saturday, November 30, 2002.

Yours respectfully,

PHIL GRAMM,
U.S. Senator.

STATE OF TEXAS

CERTIFICATE OF APPOINTMENT

To the President of the Senate of the United States:

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of Texas, I, Rick Perry, the governor of said State, do hereby appoint, effective December 1, 2002, John Cornyn, a Senator from said State to represent said State in the Senate of the United States to complete the term caused by the resignation of Phil Gramm.

Witness: His excellency our governor Rick Perry, and our seal hereto affixed at Austin, Texas this 21st day of November, in the year of our Lord 2002.

By the Governor:

RICK PERRY,
Governor.

U.S. SENATE,
Washington, DC, December 2, 2002.

Hon. RICHARD CHENEY,
Vice President of the United States, President of the United States Senate, Capitol, Washington, DC

DEAR MR. PRESIDENT: I hereby tender my resignation as a Member of the United States Senate from Alaska to be effective at 3:59 PM, Eastern Standard Time, (11:59 AM Alaska Standard Time) on Monday, December 2, 2002.

Respectfully yours,

FRANK H. MURKOWSKI.

STATE OF ALASKA

CERTIFICATE OF APPOINTMENT

To the President of the Senate of the United States:

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of Alaska, I, Frank H. Murkowski, the governor of said State, do hereby appoint Lisa Murkowski a Senator from said State to represent said State in the Senate of the United States until the vacancy therein caused by my resignation from the Senate, is filled by election as provided by law.

Witness: His excellency our governor, Frank H. Murkowski, and our seal hereto affixed at Anchorage this 20th day of December, in the year of our Lord 2002.

By the governor:

FRANK H. MURKOWSKI,
Governor.

STATE OF TENNESSEE

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 5th day of November, 2002, Lamar Alexander was duly chosen by the qualified electors of the State of

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

Tennessee as Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2003.

Witness: His excellency our Governor, Don Sundquist, and our seal hereto affixed at Nashville this 2nd day of December, in the Year of our Lord, Two Thousand Two.

By the Governor:

DON SUNDQUIST,
Governor.

STATE OF COLORADO

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on November 5, 2002, A. Wayne Allard was duly chosen by the qualified electors of the State of Colorado, a Senator from the State of Colorado to represent the people of the State of Colorado in the Senate of the United States for a term of six years, beginning on the 3rd day of January, 2003.

As Governor of the State of Colorado, I serve as witness to this certification and affix our State Seal hereto.

Given under my hand and the Executive Seal of the State of Colorado, this 10th day of December, 2002.

BILL OWENS,
Governor.

STATE OF MONTANA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM TO THE UNITED STATES SENATE

I, Bob Brown, Secretary of State of the State of Montana, do hereby certify that Max Baucus was duly chosen on November 5, 2002, by the qualified electors of the State of Montana as the United States Senator from said State to represent said State in the United States Senate. The term commences January 3, 2003.

Witness: Her excellency our Governor Judy Martz, and our seal hereunto affixed at the City of Helena, the Capital, this 4th day of December, in the year of our Lord 2002.

By the Governor:

JUDY MARTZ,
Governor.

STATE OF DELAWARE

CERTIFICATE OF ELECTION

To the President of the Senate of the United States:

Be it known that at an election, in due manner held according to the form of the Act of the General Assembly of the State of Delaware, and of the Act of Congress in such case made and provided, on the first Tuesday after the first Monday of the month of November, 2002, Joseph R. Biden, Jr. was elected to be a Senator from the said State in the Senate of the United States for the constitutional term to commence at noon on the third day of January A.D. 2003.

Given under my hand and the Great Seal of the said State, at Dover, the 3rd day of December in the year of our Lord two thousand two and in the year of the Independence of the United States of America the two hundred and twenty-sixth.

RUTH ANN MINNER,
Governor.

STATE OF GEORGIA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 5th day of November, 2002, Saxby Chambliss was duly chosen by the qualified electors of the State of Georgia, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2003.

Witness: His Excellency our governor Roy E. Barnes, and our seal hereto affixed at 5:00 pm this 13th day of December, in the year of our Lord 2002.

ROY E. BARNES,
Governor.

STATE OF MISSISSIPPI

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 5th day of November, 2002, Thad Cochran was duly chosen by the qualified electors of the State of Mississippi, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2003.

Witness: His excellency our governor Ronnie Musgrove, and our seal hereto affixed this 4th day of December, in the year of our Lord 2002.

RONNIE MUSGROVE,
Governor.

STATE OF MINNESOTA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the Fifth day of November 2002, Norm Coleman was duly chosen by the qualified electors of the State of Minnesota, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the Third day of January, 2003.

Witness: His excellency our Governor Jesse Ventura, and our seal hereto affixed at St. Paul, Minnesota this 19th day of November, in the year of our Lord 2002.

By the Governor:

JESSE VENTURA,
Governor.

STATE OF MAINE

CERTIFICATE OF ELECTION FOR A SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the Fifth day of November, Two Thousand and Two, Susan M. Collins was duly chosen by the qualified electors of the State of Maine, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January, in the year Two Thousand and Three.

Witness: His excellency our Governor, Angus S. King, Jr., and our seal hereto affixed at Augusta, Maine this twenty-fifth day of November, in the year of our Lord Two Thousand and Two.

By the Governor:

ANGUS S. KING, Jr.,
Governor.

STATE OF TEXAS

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 5th day of November, 2002, John Cornyn was duly chosen by the qualified electors of the State of Texas, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2003.

Witness: His excellency our governor Rick Perry, and our seal hereto affixed at Austin, Texas this 20th day of November, in the year of our Lord 2002.

By the Governor:

RICK PERRY,
Governor.

STATE OF IDAHO

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States.

This is to certify that on the 5th day of November, 2002, Larry E. Craig was duly chosen by the qualified electors of the State of Idaho a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2003.

Witness: His excellency our governor Dirk Kempthorne, and our seal hereto affixed at Boise this 20th day of November, in the year of our Lord 2002.

By the Governor:

DIRK KEMPTHORNE,
Governor.

STATE OF NORTH CAROLINA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 5th Day of November, 2002, Elizabeth H. Dole was duly chosen by the qualified electors of the State of North Carolina, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2003.

Witness: His excellency our governor Michael F. Easley, and our seal hereto affixed at Raleigh this 16th Day of December, in the Year of our Lord 2002.

MIKE EASLEY,
Governor.

STATE OF NEW MEXICO

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States

This is to certify that on the 5th day of November, 2002, Pete V. Domenici was duly chosen by the qualified electors of the State of New Mexico, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January 2003.

Witness: His excellency our governor Gary Johnson, and our seal hereto affixed at Santa Fe this 26th day of November, in the year of our Lord 2002.

By the governor:

GARY JOHNSON,
Governor.

STATE OF ILLINOIS

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the fifth day of November, two thousand and two Richard J. Durbin was duly chosen by the qualified electors of the State of Illinois, a Senator from said State, to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January, two thousand and three.

Witness: His excellency our governor George H. Ryan, and our seal hereto affixed at the City of Springfield this twenty-fifth day of November, in the year of our Lord two thousand and two.

By the governor:

GEORGE H. RYAN,
Governor.

STATE OF WYOMING

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 5th day of November, 2002, Michael B. Enzi was duly chosen by the qualified electors of the State of Wyoming, a Senator from said State to represent said State in the Senate of the United

States for the term of six years, beginning on the 3rd day of January, 2003.

Witness: His excellency our governor, Jim Geringer, and our seal hereto affixed at the Wyoming State Capitol, Cheyenne, Wyoming, this 18th day of November, in the year of our Lord 2002.

By the governor:

Jim Geringer,
Governor.

STATE OF SOUTH CAROLINA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the fifth day of November, 2002, Honorable Lindsey O. Graham was duly chosen by the qualified electors of the State of South Carolina, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January 2003.

Witness: His excellency our governor, Jim Hodges, and our seal hereto affixed at Columbia, South Carolina this fifteenth day of November, in the year of our Lord, 2002.

JIM HODGES,
Governor.

STATE OF NEBRASKA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 5th day of November, 2002, Chuck Hagel was duly chosen by the qualified electors of the State of Nebraska, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2003.

Witness: His excellency our governor Mike Johanns, and our seal hereto affixed at Lincoln, Nebraska this 9th day of December in the year of our Lord 2002.

By the governor:

MIKE JOHANNS,
Governor.

STATE OF IOWA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senator of the United States:

This is to certify that on the 5th day of November, 2002, Tom Harkin was duly chosen by the qualified electors of the State of Iowa a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January 2003.

Witness: His Excellency our Governor Thomas J. Vilsack, and our seal hereto affixed at Des Moines, Iowa, this twenty-sixth day of November, in the year of our Lord 2002.

THOMAS J. VILSACK,
Governor.

STATE OF OKLAHOMA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 5th day of November, 2002, Jim Inhofe was duly chosen by the qualified electors of the State of Oklahoma, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3d day of January, 2003.

Witness: His Excellency our Governor Frank Keating, and our seal hereto affixed at Oklahoma City, Oklahoma this 12th day of November, in the year of our Lord 2002.

By the Governor.

FRANK KEATING,
Governor.

STATE OF SOUTH DAKOTA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

This is to certify that on the fifth day of November, 2002, at a general election, Tim Johnson was elected by the qualified voters of the State of South Dakota to the office of United States Senator for the term of six years, beginning on the third day of January, 2003.

In witness whereof, We have hereunto set our hands and caused the Seal of the State to be affixed at Pierre, the Capital, this 20th day of November, 2002.

WILLIAM J. JANKLOW,
Governor.

COMMONWEALTH OF MASSACHUSETTS

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the fifth day of November, two thousand and two John F. Kerry was duly chosen by the qualified electors of the Commonwealth of Massachusetts a Senator from said Commonwealth to represent said Commonwealth in the Senate of the United States for the term of six years, beginning on the third day of January, two thousand and three.

Witness: Her Excellency, our Acting Governor, Jane W. Swift, and our seal hereto affixed at Boston, this fourth day of December in the year of our Lord two thousand and two.

By Her Honor the Acting Governor

JANE M. SWIFT.

STATE OF LOUISIANA

CERTIFICATION OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

I, M.J. ''Mike'' Foster, Jr., Governor of the State of Louisiana, do hereby certify that, in accordance with the provisions of the Louisiana Election Code, on the 7th day of December, 2002, Mary Landrieu was elected by the qualified electors of the state of Louisiana a Senator to represent the state of Louisiana in the United States Senate for the term of six years, beginning at noon on the 3rd day of January, 2003. The votes cast, 638,564 for Mary Landrieu (Democrat) and 596,642 for Suzanne Haik Terrell (Republican), are on file and of record in the Office of the Secretary of State of Louisiana.

In witness whereof, I have hereunto set my hand officially and caused to be affixed the Great Seal of the state of Louisiana, at the Capitol, in the city of Baton Rouge, on this 19th day of December, 2002.

M.J. FOSTER, Jr.,
Governor.

STATE OF NEW JERSEY

CERTIFICATE OF ELECTION FOR A SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 5th day of November, 2002, Frank R. Lautenberg, was duly chosen by the qualified electors of the State of New Jersey, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2003.

Given, under my hand and the Great Seal of the State of New Jersey, this 11th day of December, in the year of Our Lord two thousand and two.

JAMES E. MCGREEVEY,
Governor.

STATE OF MICHIGAN

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 5th day of November, 2002, Carl Levin was duly chosen by the qualified electors of the State of Michigan, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2003.

Given under my hand and the Great Seal of the State of Michigan this 27th day of November, in the Year of our Lord, two thousand and two.

JOHN ENGLER,
Governor.

COMMONWEALTH OF KENTUCKY

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To all to Whom These Presents Shall Come, Greeting: Know Ye, That Honorable Mitch McConnell having been duly certified, that on November 5, 2002 was duly chosen by the qualified electors of the Commonwealth of Kentucky a Senator from said state to represent said state in the Senate of the United States for the term of six years, beginning the 3rd day of January 2003.

I hereby invest the above named with full power and authority to execute and discharge the duties of the said office according to law. And to have and hold the same, with all the rights and emoluments thereunto legally appertaining, for and during the term prescribed by law.

In testimony whereof, I have caused these letters to be made patent and the seal of the Commonwealth to be hereunto affixed. Done in Frankfort, the 2nd day of December in the year of our Lord two thousand and two and in the 211th year of the Commonwealth,

PAUL E. PATTON,
Governor.

STATE OF ARKANSAS

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 5th day of November, 2002, Mark Lunsford Pryor was duly chosen by the qualified electors of the State of Arkansas, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2003.

In witness whereof, I have hereunto set my hand and caused the Great Seal of the State of Arkansas to be affixed at the capitol in Little Rock, on this 3rd day of December, in the year of our Lord 2002.

MIKE HUCKABEE,
Governor.

STATE OF RHODE ISLAND

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 5th day of November, 2002, John F. Reed duly chosen by the qualified electors of the State of Rhode Island and Providence Plantations, a Senator from said State to represent said State in the Senate of the United States for a term of six years, beginning on the 3rd day of January, 2003.

Witness: His Excellency our Governor Lincoln C. Almond, and our seal affixed on this 10th day of December, in the year of our Lord 2002.

LINCOLN C. ALMOND,
Governor.

STATE OF KANSAS

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 5th day of November, 2002, Pat Roberts was duly chosen by the qualified electors of the state of Kansas, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2003.

Witness: His excellency our governor Bill Graves, and our seal hereto affixed at Topeka, Kansas this 2nd day of December, in the year of our Lord 2002.

By the governor:

BILL GRAVES,
Governor.

STATE OF WEST VIRGINIA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the fifth day of November, 2002, Jay Rockefeller was duly chosen by the qualified electors of the State of West Virginia, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January, 2003.

Witness: His excellency our governor Bob Wise, and our seal hereto affixed at Charleston this 20 day of December, in the year of our Lord 2002.

By the governor:

BOB WISE,
Governor.

STATE OF ALABAMA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the fifth day of November, 2002, The Honorable Jeff Sessions was duly chosen by the qualified electors of the State of Alabama Senator from said State to represent said State in the United States Senate for the term of six years, beginning on the Third day of January, 2003.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Alabama, at the Capitol, in the City of Montgomery, on this 20th day of November, in the year of our Lord, 2002.

DON SIEGELMAN,
Governor.

STATE OF OREGON

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 5th day of November, 2002, Gordon H. Smith was duly chosen by the qualified electors of the State of Oregon, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2003.

Witness: His excellency our Governor, John Kitzhaber, and our seal hereto affixed at Salem, Oregon this 3rd day of December, 2002.

By the governor:

JOHN A. KITZHABER,
Governor.

STATE OF ALASKA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 5th day of November, 2002, Ted Stevens was duly chosen by the qualified electors of the State of Alaska, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2003.

Witness: His excellency our governor Tony Knowles, and our seal hereto affixed at Juneau this 2d day of December, in the year of our Lord 2002.

TONY KNOWLES,
Governor.

STATE OF NEW HAMPSHIRE

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the fifth day of November, two-thousand and two, John E. Sununu was duly chosen by the qualified electors of the State of New Hampshire to represent said State in the Senate of the United States for the term of six years beginning on the third day of January, two thousand and three.

Witness: Her Excellency, Governor, Jeanne Shaheen and the and the Seal of the State of New Hampshire hereto affixed at Concord, this fourth day of December, in the year of Our Lord two thousand and two.

JEANNE SHAHEEN,
Governor.

STATE OF MISSOURI

CERTIFICATE OF ELECTION FOR UNEXPIRED TERM

To the President of the Senate of the United States:

This is to certify that on the 5th day of November, 2002, Jim Talent was duly chosen by the qualified electors of the State of Missouri, a Senator for the unexpired term ending at noon on the 3rd day of January, 2007, to fill the vacancy in the representation from said State of the United States caused by the death of Mel Carnahan.

Witness: His Excellency our Governor, Bob Holden, and our seal hereto affixed at 2:00 p.m. this 21st day of November, in the year of our Lord 2002.

By the governor:

BOB HOLDEN,
Governor.

COMMONWEALTH OF VIRGINIA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 5th day of November, 2002, John W. Warner was duly chosen by the qualified electors of the Commonwealth of Virginia, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2003.

Witness: His Excellency our Governor, Mark R. Warner, and our seal hereto affixed at Richmond this 26th day of November, in the year of our Lord 2002.

MARK R. WARNER,
Governor.

ADMINISTRATION OF OATH OF OFFICE

The VICE PRESIDENT. If the Senators to be sworn will now present themselves at the desk in groups of four as their names are called in alphabetical order, the Chair will administer their oaths of office.

The clerk will read the names of the first group.

The legislative clerk called the names of Mr. ALEXANDER of Tennessee, Mr. ALLARD of Colorado, Mr. BAUCUS of Montana, and Mr. BIDEN of Delaware.

These Senators, escorted by Mr. FRIST, Mr. CAMPBELL, Mr. BURNS, and Mr. CARPER, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will read the names of the next group of Senators.

The legislative clerk called the names of Mr. CHAMBLISS of Georgia, Mr. COCHRAN of Mississippi, Mr. COLEMAN of Minnesota, and Ms. COLLINS of Maine.

These Senators, escorted by Mr. MILLER, Mr. LOTT, Mr. DAYTON, and Ms. SNOWE, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will call the names of the next group of Senators.

The legislative clerk called the names of Mr. CORNYN of Texas, Mr. CRAIG of Idaho, Mrs. DOLE of North Carolina, and Mr. DOMENICI of New Mexico.

These Senators, escorted by Mrs. HUTCHISON, Mr. CRAPO, Mr. EDWARDS, former Senator Dole, and Mr. BINGAMAN, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will call the names of the next group of Senators.

The legislative clerk called the names of Mr. DURBIN of Illinois, Mr. ENZI of Wyoming, Mr. GRAHAM of South Carolina, and Mr. HAGEL of Nebraska.

These Senators, escorted by Mr. INOUYE, Mr. THOMAS, Mr. HOLLINGS, and Mr. BEN NELSON of Nebraska, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will call the names of the next group of Senators.

The legislative clerk called the names of Mr. HARKIN of Iowa, Mr. INHOFE of Oklahoma, Mr. JOHNSON of South Dakota, and Mr. KERRY of Massachusetts.

These Senators, escorted by Mr. GRASSLEY, Mr. NICKLES, Mr. DASCHLE,

and Mr. HOLLINGS, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will call the names of the next group of Senators.

The legislative clerk called the names of Ms. LANDRIEU of Louisiana, Mr. LAUTENBERG of New Jersey, Mr. LEVIN of Michigan, and Mr. MCCONNELL of Kentucky.

These Senators, escorted by Mr. BREAUX, Mr. CORZINE, Ms. STABENOW, and Mr. BUNNING, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will please call the names of the next group of Senators.

The legislative clerk called the names of Ms. MURKOWSKI of Alaska, Mr. PRYOR of Arkansas, Mr. REED of Rhode Island, and Mr. ROBERTS of Kansas.

These Senators, escorted by former Senator Murkowski, Mr. STEVENS, Mrs. LINCOLN, former Senator Pryor, former Senator Bumpers, Mr. CHAFEE, Mr. BROWNBACK, and former Senator Dole, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will read the names of the next group of Senators.

The legislative clerk called the names of Mr. ROCKEFELLER of West Virginia, Mr. SESSIONS of Alabama, Mr. SMITH of Oregon, and Mr. STEVENS of Alaska.

These Senators, escorted by Mr. BYRD, Mr. SHELBY, Mr. WYDEN, and Ms. MURKOWSKI, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will read the names of the next group of Senators.

The legislative clerk called the names of Mr. SUNUNU of New Hampshire, Mr. TALENT of Missouri, and Mr. WARNER of Virginia.

These Senators, escorted by Mr. GREGG, Mr. BOND, and Mr. ALLEN, respectively, advanced to the desk of the Vice President, the oath prescribed by law as administered to them by the Vice President, and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The majority leader.

CALL OF THE ROLL

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

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk proceeded to call the roll, and the following Senators answered to their names:

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

The VICE PRESIDENT. A quorum is present.

LIST OF SENATORS BY STATE

ALABAMA

Jeff Sessions
Richard C. Shelby

ALASKA

Lisa Murkowski
Ted Stevens

ARIZONA

Jon Kyl
John McCain

ARKANSAS

Blanche L. Lincoln
Mark L. Pryor

CALIFORNIA

Barbara Boxer
Dianne Feinstein

COLORADO

Wayne Allard
Ben Nighthorse Campbell

CONNECTICUT

Christopher J. Dodd
Joseph I. Lieberman

DELAWARE

Joseph R. Biden, Jr.
Thomas R. Carper

FLORIDA

Bob Graham
Bill Nelson

GEORGIA

Saxby Chambliss
Zell Miller

HAWAII

Daniel K. Akaka
Daniel K. Inouye

IDAHO

Larry E. Craig
Michael D. Crapo

ILLINOIS

Richard Durbin
Peter G. Fitzgerald

INDIANA

Evan Bayh
Richard G. Lugar

IOWA

Chuck Grassley
Tom Harkin

KANSAS

Sam Brownback
Pat Roberts

KENTUCKY

Jim Bunning
Mitch McConnell

LOUISIANA

John B. Breaux
Mary L. Landrieu

MAINE

Susan M. Collins
Olympia J. Snowe

MARYLAND

Barbara A. Mikulski
Paul S. Sarbanes

MASSACHUSETTS

Edward M. Kennedy
John F. Kerry

MICHIGAN

Carl Levin
Debbie Stabenow

MINNESOTA

Norm Coleman
Mark Dayton

MISSISSIPPI

Thad Cochran
Trent Lott

MISSOURI

Christopher S. Bond
Jim Talent

MONTANA

Max Baucus
Conrad R. Burns

NEBRASKA

Chuck Hagel
E. Benjamin Nelson

NEVADA

John Ensign
Harry Reid

NEW HAMPSHIRE

Judd Gregg
John E. Sununu

NEW JERSEY

Jon S. Corzine
Frank R. Lautenberg

NEW MEXICO

Jeff Bingaman
Pete V. Domenici

NEW YORK

Hillary Rodham Clinton
Charles E. Schumer

NORTH CAROLINA

Elizabeth Dole

John Edwards

NORTH DAKOTA

Kent Conrad
Byron L. Dorgan

OHIO

Mike DeWine
George V. Voinovich

OKLAHOMA

James M. Inhofe
Don Nickles

OREGON

Gordon H. Smith
Ron Wyden

PENNSYLVANIA

Rick Santorum
Arlen Spector

RHODE ISLAND

Lincoln Chafee
Jack Reed

SOUTH CAROLINA

Lindsey Graham
Ernest F. Hollings

SOUTH DAKOTA

Thomas A. Daschle
Tim Johnson

TENNESSEE

Lamar Alexander
William H. Frist

TEXAS

John Cornyn
Kay Bailey Hutchison

UTAH

Robert F. Bennett
Orrin G. Hatch

VERMONT

James M. Jeffords
Patrick J. Leahy

VIRGINIA

George Allen
John Warner

WASHINGTON

Maria Cantwell
Patty Murray

WEST VIRGINIA

Robert C. Byrd
John D. Rockefeller IV

WISCONSIN

Russell D. Feingold
Herb Kohl

WYOMING

Michael B. Enzi
Craig Thomas

INFORMING THE PRESIDENT OF THE UNITED STATES THAT A QUORUM OF EACH HOUSE IS ASSEMBLED

Mr. FRIST. I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 1) informing the President of the United States that a quorum of each House is assembled.

The VICE PRESIDENT. Without objection, the resolution is agreed to.

The resolution (S. Res. 1) reads as follows:

S. RES. 1

Resolved, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

Mr. FRIST. I ask unanimous consent that the motion to reconsider be laid upon the table.

The VICE PRESIDENT. Without objection, it is so ordered.

Pursuant to Senate Resolution 1, the Chair appoints the Senator from Tennessee, (Mr. FRIST), and the Senator from South Dakota, (Mr. DASCHLE), as a committee to join the committee on the part of the House of Representatives to wait upon the President of the United States and inform him that a quorum is assembled and that the Congress is ready to receive any communication he may be pleased to make.

INFORMING THE HOUSE OF REPRESENTATIVES THAT A QUORUM OF THE SENATE IS ASSEMBLED

Mr. FRIST. I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution, (S. Res. 2) informing the House of Representatives that a quorum of the Senate is assembled.

The VICE PRESIDENT. Without objection, the resolution is agreed to.

The resolution (S. Res. 2) reads as follows:

S. RES. 2

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

Mr. FRIST. I ask unanimous consent that the motion to reconsider be laid upon the table.

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

ELECTION OF THE HONORABLE TED STEVENS AS PRESIDENT PRO TEMPORE OF THE SENATE

Mr. FRIST. I send a resolution to the desk and ask for its immediate consideration.

The VICE PRESIDENT. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 3) to elect the Honorable TED STEVENS, a Senator from the State of Alaska, to be President pro tempore of the Senate of the United States.

The VICE PRESIDENT. Without objection, the resolution is agreed to.

The resolution (S. Res. 3) reads as follows:

S. RES. 3

Resolved, That Ted Stevens, a Senator from the State of Alaska, be, and he is hereby, elected President of the Senate pro tempore.

Mr. FRIST. I ask unanimous consent that the motion to reconsider be laid upon the table.

The VICE PRESIDENT. Without objection, it is so ordered.

ADMINISTRATION OF OATH TO SENATOR TED STEVENS AS PRESIDENT PRO TEMPORE OF THE SENATE FOR THE 108TH CONGRESS

The VICE PRESIDENT. The President pro tempore-elect will be escorted to the desk for the oath of office by the President pro tempore-elect, the Senator from West Virginia (Mr. BYRD).

The President pro tempore-elect, escorted by Senator BYRD, advanced to the desk of the Vice President, the oath was administered to him by the Vice President, and he subscribed to the oath in the Official Oath Book.

[Applause, Senators rising.]

[The President pro tempore assumed the chair.]

NOTIFYING THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF A PRESIDENT PRO TEMPORE

The PRESIDENT pro tempore. The majority leader.

Mr. FRIST. I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 4) notifying the President of the United States of the election of a President pro tempore.

The PRESIDENT pro tempore. Without objection, the resolution is agreed to.

The resolution (S. Res. 4) reads as follows:

S. RES. 4

Resolved, That the President of the United States be notified of the election of Ted Stevens, a Senator from the State of Alaska, as President pro tempore.

Mr. FRIST. I ask unanimous consent the motion to reconsider be laid upon the table.

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

NOTIFYING THE HOUSE OF REPRESENTATIVES OF THE ELECTION OF A PRESIDENT PRO TEMPORE OF THE SENATE

Mr. FRIST. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 5) notifying the House of Representatives of the election of a President pro tempore of the U.S. Senate.

The PRESIDENT pro tempore. Without objection, the resolution is agreed to.

The resolution (S. Res 5) reads as follows:

S. RES. 5

Resolved, That the House of Representatives be notified of the election of Ted Stevens, a Senator from the State of Alaska, as President pro tempore.

Mr. FRIST. I ask unanimous consent the motion to reconsider be laid upon the table.

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

FIXING THE HOUR OF DAILY MEETING OF THE SENATE

Mr. FRIST. I send a resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 6) fixing the hour of daily meeting of the Senate.

The PRESIDENT pro tempore. Without objection, the resolution is agreed to.

The resolution (S. Res. 6) reads as follows:

S. RES. 6

Resolved, That the hour of daily meeting of the Senate be 12 o'clock meridian unless otherwise ordered.

Mr. FRIST. I ask unanimous consent the motion to reconsider be laid upon the table.

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

ELECTING EMILY J. REYNOLDS OF TENNESSEE AS SECRETARY OF THE SENATE

Mr. FRIST. I send a resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 7) electing Emily J. Reynolds of Tennessee as Secretary of the Senate.

The PRESIDENT pro tempore. Without objection, the resolution is agreed to.

The resolution (S. Res. 7) reads as follows:

S. RES. 7

Resolved, That Emily J. Reynolds of Tennessee be, and she is hereby, elected Secretary of the Senate.

Mr. FRIST. I ask unanimous consent the motion to reconsider be laid upon the table and that any statements relating to this appointment be printed in the RECORD.

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

ADMINISTRATION OF THE OATH TO THE SECRETARY OF THE SENATE

The Honorable Emily J. Reynolds, escorted by the Honorable WILLIAM FRIST and the Honorable THOMAS A. DASCHLE, advanced to the desk of the President pro tempore; the oath prescribed by law was administered to her by the President pro tempore.

The PRESIDENT pro tempore. Congratulations.

(Applause, Senators rising.)

NOTIFYING THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF A SECRETARY OF THE SENATE

Mr. FRIST. I send a resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 8) notifying the President of the United States of the election of a Secretary of the Senate.

The PRESIDENT pro tempore. Without objection, the resolution is agreed to.

The resolution (S. Res. 8) reads as follows:

S. RES. 8

Resolved, That the President of the United States be notified of the election of the Honorable Emily J. Reynolds of Tennessee as Secretary of the Senate.

Mr. FRIST. I ask unanimous consent the motion to reconsider be laid upon the table.

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

NOTIFYING THE HOUSE OF REPRESENTATIVES OF THE ELECTION OF A SECRETARY OF THE SENATE

Mr. FRIST. I send a resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 9) notifying the House of Representatives of the election of a Secretary of the Senate.

The PRESIDENT pro tempore. Without objection, the resolution is agreed to.

The resolution (S. Res. 9) reads as follows:

S. RES. 9

Resolved, That the House of Representatives be notified of the election of the Honorable Emily J. Reynolds of Tennessee as Secretary of the Senate.

Mr. FRIST. I ask unanimous consent the motion to reconsider be laid upon the table.

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

Mr. BYRD. Mr. President, I call attention to the fact that the motion to reconsider is not being made. I think it should be made so that the record will so read.

I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

ELECTING DAVID J. SCHIAPPA OF MARYLAND AS THE SECRETARY FOR THE MAJORITY OF THE SENATE

Mr. FRIST. I send a resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 10) electing David J. Schiappa of Maryland as Secretary for the majority of the Senate.

The PRESIDENT pro tempore. Without objection, the resolution is agreed to.

The resolution (S. Res. 10) reads as follows:

S. RES. 10

Resolved, That David J. Schiappa of Maryland be, and he is hereby, elected Secretary for the Majority of the Senate.

Mr. DASCHLE. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

ELECTING MARTIN P. PAONE AS SECRETARY FOR THE MINORITY OF THE SENATE

Mr. DASCHLE. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 11) electing Martin P. Paone as Secretary for the minority of the Senate.

The PRESIDENT pro tempore. Without objection, the resolution is agreed to.

The resolution (S. Res. 11) reads as follows:

S. RES. 11

Resolved, That Martin P. Paone of Virginia be, and he is hereby, elected Secretary for the Minority of the Senate.

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

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

The motion to lay on the table was agreed to.

TO MAKE EFFECTIVE THE REAPPOINTMENT OF SENATE LEGAL COUNSEL

Mr. FRIST. I send a resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 12) to make effective reappointment of Senate Legal Counsel.

The PRESIDENT pro tempore. Without objection, the resolution is agreed to.

The resolution (S. Res. 12) reads as follows:

S. RES. 12

Resolved, That the reappointment of Patricia Mack Bryan to be Senate Legal Counsel make by the President pro tempore this day is effective as of January 3, 2003, and the term of service of the appointee shall expire at the end of the One Hundred Ninth Congress.

Mr. FRIST. I move to reconsider.

Mr. NICKLES. I move to lay the motion on the table.

The motion to lay on the table was agreed to.

TO MAKE EFFECTIVE REAPPOINTMENT OF DEPUTY SENATE LEGAL COUNSEL

Mr. FRIST. I send a resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 13) to make effective reappointment of Deputy Senate Legal Counsel.

The PRESIDENT pro tempore. Without objection, the resolution is agreed to.

The resolution (S. Res. 13) reads as follows:

S. RES. 13

Resolved, That the reappointment of Morgan J. Frankel to be Deputy Senate Legal Counsel made by the President pro tempore this day is effective as of January 3, 2003, and the term of service of the appointee shall expire at the end of the One Hundred Ninth Congress.

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

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

The motion to lay on the table was agreed to.

UNANIMOUS CONSENT AGREEMENT

Mr. FRIST. Mr. President, I now send to the desk 12 routine housekeeping unanimous consent agreements and ask they be agreed to en bloc.

The PRESIDENT pro tempore. Is there objection?

Mr. BYRD. What are the resolutions? Will the clerk state them.

The PRESIDENT pro tempore. The clerk will read the unanimous consent requests.

The legislative clerk read as follows:

1. That for the duration of the 108th Congress, the Ethics Committee be authorized to meet during the session of the Senate;

2. That for the duration of the 108th Congress, there be a limitation of 15 minutes each upon any rollcall vote, with the warning signal to be sounded at the midway point, beginning at the last 7½ minutes, and when rollcall votes are of 10-minute duration, the warning signal be sounded at the beginning of the last 7½ minutes;

3. That during the 108th Congress, it be in order for the Secretary of the Senate to receive reports at the desk when presented by a Senator at any time during the day of the session of the Senate;

4. That the Majority and Minority leaders may daily have up to 10 minutes each on each calendar day following the prayer and disposition of the reading of, or the approval of, the Journal;

5. That the Parliamentarian of the House of Representatives and his five assistants be given the privileges of the floor during the 108th Congress;

6. That, notwithstanding the provisions of rule XXVIII, conference reports and statements accompanying them not be printed as Senate reports when such conference reports and statements have been printed as a House report unless specific request is made in the Senate in each instance to have such a report printed;

7. That the Committee on Appropriations be authorized during the 108th Congress to file reports during adjournments or recesses of the Senate on appropriations bills, including joint resolutions, together with any accompanying notices of motions to suspend rule XVI, pursuant to rule V, for the purpose of offering certain amendments to such bills or joint resolutions, which proposed amendments shall be printed;

8. That, for the duration of the 108th Congress, the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossments of all Senate-passed bills and resolutions, Senate amendments to House bills and resolutions, Senate amendments to House amendments to Senate bills and resolutions, and Senate amendments to House amendments to House bills or resolution;

9. That for the duration of the 108th Congress, when the Senate is in recess or adjournment, the Secretary of the Senate is authorized to receive messages from the President of the United States, and—with the exception of House bills, joint resolutions and concurrent resolutions—messages fro the House of Representatives; and that they be appropriately referred; and that the President of the Senate, the President pro tempore, and the Acting President pro tempore be authorized to sign duly enrolled bills and joint resolutions;

10. That for the duration of the 108th Congress, Senators be allowed to leave at the desk with the Journal Clerk the names of two staff members who will be granted the privilege of the floor during the consideration of the specific matter noted, and that the Sergeant-at-Arms be instructed to rotate such staff members as space allows:

11. That for the duration of the 108th Congress; it be in order to refer treaties and nominations on the day when they are received from the President, even when the Senate has no executive session that day; and

12. That for the remainder of the 108th Congress, Senators may be allowed to bring to the desk bills, joint resolutions, concurrent resolutions, and simple resolutions, for referral to appropriate committees.

The PRESIDENT pro tempore. Is there objection? Without objection, the unanimous consent request is agreed to.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent there now be a period of morning business for up to 2 hours, equally divided in the usual form, with Senators permitted to speak for up to 10 minutes each.

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

OPENING OF THE 108TH CONGRESS

Mr. FRIST. Mr. President, 35 of our colleagues have just sworn the oath of a United States Senator. I wish to congratulate all 35 of our colleagues, the 11 new Members and the 24 returning to this Chamber. I also want to welcome back to the Senate the rest of our esteemed colleagues, the former Members and the many friends that we have with us today, and family members—all who have joined us on what is truly a historic day as we convene the 108th Congress.

The very special tradition that we have just witnessed dates back to that first Congress in 1789, when that oath was a very simple one sentence, the oath being:

I do solemnly swear that I will support the Constitution of the United States.

Those words in the version that we just heard recited—when you come down to the essence—are a truly sacred bond that we all share in this body, regardless of what status, what State, what party, or what rank and what creed we represent.

Indeed, it is my hope that in this Congress we will be defined by achievement as well as a cooperative spirit.

At this point in time, our Nation faces truly historic challenges—winning the war against terror, boosting economic growth, job creation, addressing multiple health care challenges that now have become crises, and ensuring our agenda is inclusive of all Americans.

I look forward to working with our colleagues both on our side of the aisle and on the other side of the aisle—in particular with my colleague from South Dakota, Senator DASCHLE—to ensure that we succeed. I am convinced that we will find, based on our own principles, common ground to bridge this aisle between us.

As majority leader of the Senate, I pledge to serve this body, to serve the people of Tennessee, and to serve the American people to the best of my ability. I will remain guided by those same timeless principles of our founding documents. And, above all, I hope to enable this body to continue to contribute to the greatness of all Americans.

(Applause, Senators rising.)

The PRESIDENT pro tempore. The democratic leader.

THE SENATE AT ITS BEST

Mr. DASCHLE. Mr. President, let me congratulate the majority leader on his ascension to his new responsibilities and on his remarks just now. I have little doubt that we will be led well, and we will be led fairly. I look forward to working with him, as I know my whole caucus does as well.

I also congratulate our 35 returning colleagues—those 11 new Members and 24 Senators who are returning. There can be no more awesome responsibility than to sit at these historic desks—especially as we begin the 108th Congress.

Let me also thank my colleagues for their support, for their encouragement, and for the friendship they have given me these many months and years. At this time in particular in my life, I am extraordinarily grateful for that. I wish to express that in the most heartfelt way.

The 107th Congress was filled with history—filled in the way we elected a President, the way we governed as a 50–50 Senate, and in the way we addressed so many issues. I have no doubt that the momentous decisions made during the 107th Congress will be recorded and reported and analyzed and considered for generations to come. We begin a new Congress and a new day with a new spirit and a new mood for the recognition of new responsibilities and a new opportunity to write history.

Just yesterday, as I was coming back from South Dakota, an older woman stopped me in the airport. She pulled me at my arm. And she said: Senator DASCHLE, do your best. Do your best, and remember that history is in your hands.

I think that is our charge—to do our best, to recognize that history is now in our hands, and that as we face the challenges and the responsibilities as Senators in the 108th Congress, I hope we can look back with satisfaction, with pride and with a realization that, indeed, we did our best.

(Applause, Senators rising.)

The PRESIDENT pro tempore. The majority leader is recognized.

PROVISION OF A 5-MONTH EXTENSION OF THE TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION ACT OF 2002

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. 23, an unemployment insurance extension bill introduced today by Senators FITZGERALD, CLINTON, and others; further, that the bill be read the third time and passed, and the motion to reconsider be laid upon the table.

Mrs. CLINTON. Mr. President, reserving the right to object——

The PRESIDENT pro tempore. The Senator from New York.

Mrs. CLINTON. Mr. President, I ask unanimous consent that there be one amendment in order which would provide benefits for those who have previously exhausted their Federal unemployment benefits—approximately 1 million Americans and over 150,000 New Yorkers—that there be a time limitation on the amendment of 30 minutes for debate, equally divided in the usual form, and that no other amendments or motions be in order to the bill.

The PRESIDENT pro tempore. Is there objection?

Mr. NICKLES. Mr. President, I object.

Mr. FRIST. Mr. President, reserving the right to object, a number of Senators on both sides of the aisle have been very aggressively working on this legislation for, indeed, several months and most intensively over the last several days. I believe we have reached a bipartisan agreement to allow us to pass the bill today so that the House will consider it and in order for it to become public law this week.

As most of my colleagues in the Senate Chamber know, if this bill is not passed by Thursday and signed by the President of the United States, there will be tremendous dislocation among the American people. With that, I urge that we proceed with the underlying unanimous consent.

The PRESIDING OFFICER (Mr. ALLEN). Is there objection to the initial request?

Mrs. CLINTON. Mr. President, reserving the right to object, I thank the majority leader for bringing this very important matter to the floor so early in our session. I also thank my colleague from Oklahoma, Senator NICKLES, for working with me and others over the last week to try to reach consensus. While I do not object at all to this final bill—in fact, I am a lead Democratic sponsor—I would point out that passage of this bill, as important as it is, will leave many, many people without any means of support, and I think that we must turn our attention to these people who have exhausted their benefits. I look forward to working with the majority and minority leader in doing so.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, reserving the right to object, I would simply also commend those responsible for bringing the resolution to this point. We could have accomplished this in the last Congress, but we were unable to complete our work. I remind my colleagues that by simply passing this resolution we are leaving out over 1 million people who have absolutely no recourse and have no assistance whatsoever because their benefits have expired. We are leaving them out. This will only address those who are about to see their benefits expire—about one-half of the 1 million people who otherwise would be eligible for these benefits.

To simply say we are doing half means that we are doing half the job. We are leaving half on the table. We are leaving 1 million people with absolutely no recourse in their efforts to try to bring about any quality of life in these difficult times.

So I urge my colleagues to reconsider. We will continue to offer this with the hope that we can find some resolution, that we can include all 2 million unemployed workers, and that we do so as quickly as is possible.

The PRESIDING OFFICER. Is there objection?

The Senator from Rhode Island.

Mr. REED. Mr. President, reserving the right to object, as I understand it, if we do not accept the unanimous consent request proposed by the Senator from New York, we will leave 1 million Americans without unemployment compensation benefits at a time they desperately need it. I also understand her amendment simply calls for 30 minutes of debate and a vote. I think it would be appropriate to vote.

If the majority leader can give us some indication as to when we will deal with the issue of these 1 million people who will be without benefits, I think it might help us as we try to respond and decide on this issue.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, reserving the right to object, and I will not object, while the Senators who had expressed their concerns may be correct, I believe we should commend those who have worked so hard to get this bill here, and our majority leader for bringing it up today because, while we wait to do some more, if more is needed, we will leave all of the unemployed without any new benefits. That is the issue. To do it today is to do it the way it is proposed. To debate it, or send it back to committee for refinement, means none of them will get benefits—not only those who have run out of benefits, but there will be no extension and no money.

I believe it is good that we comment, but it is better that we proceed and get the bill done.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, prior to our taking a recess, we begged the administration to do something to allow us to pass unemployment benefits for the people we knew would be out of unemployment benefits. We in Nevada now have thousands of people who need those benefits. I heard my friend from New York say there are 150,000 people who need them in her State. I believe that is the figure she used. But regardless, there are thousands and thousands of people all over this country, adding up to a million, who need these benefits.

We on this side of the aisle believe we should do everything. I have to respectfully say to my friend, the majority leader, and his colleagues, the reason they are not going to allow us to vote is we would win the vote. We would win if we were allowed to vote to include all 2 million people who are desperately in need of these unemployment checks. We would win the vote.

I do not believe we should adjourn today until this matter is resolved. We want a vote. The people of America want a vote. The people we are leaving out are the ones who are in most need. There is no question the people we would help by passing this resolution need the help, but the million people are those who are chronically unemployed and are in desperate need of help.

We should not adjourn today until we are allowed to have a vote on this most

important resolution with the amendment that has been offered by the Senator from New York.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, reserving the right to object, it is important that we take care of these individuals who will be left out without the amendment by Senator CLINTON. The issue is, unemployment benefits not only help these individuals who have lost their jobs through no fault of their own—whether it is the Boeing Company in a downturn or other people impacted by 9/11 who have lost their jobs and need these unemployment benefits—but more importantly, unemployment benefits are also an economic stimulus. Economists have said every $1 spent on unemployment insurance generates $2.15 of economic stimulus.

I can think of no better package for us to support in a bipartisan fashion than putting more dollars into our local economies that are hurting. I know our State, with one of the highest unemployment rates in the country, has an economic forecast that says the next 6 months will not get any better. So if not today, I say to my colleagues on the other side of the aisle, when will we realize this is an economic stimulus package that we must support.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, my understanding is this unemployment extension mirrors the unemployment extension we did in the last session of Congress. We extended benefits for 13 weeks.

There are some for which the 26 weeks plus the 13 weeks have expired. I assume the million people we are talking about are those people in places where there is not high unemployment, who do not qualify for an additional 13 weeks above the 13 weeks that have already been extended.

As you know, under this bill, as under the prior bill, in States where there are high rates of unemployment, people do get 26 weeks, the 13 plus 13. So what you are talking about is a million people, in places where there are lower rates of unemployment, not getting an additional 13 weeks on top of the 13 weeks they now get on top of the 26 weeks which the original unemployment act provided.

So when we talk about people being left out, what we are talking about is a change in what the original extension is. I am not too sure that is being left out. Those are people who went through their 26 weeks, went through their 13 weeks, and have still not been able to find a job but are not in States with high unemployment.

So what we are doing is extending last year's unemployment benefits to this year. I think that is a fair way to start. It is a way to get things done. If you want to change unemployment extension and turn it into 26 weeks, we can have that debate. But to suggest we are leaving people out, I am not too sure that is really what is factually happening in this situation.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, in response to the question by the Senator from Rhode Island, it is clear we are not solving the problem today. Because of the reality of scheduling, and in part because of what happened in the last Congress, we are faced with the reality that if we do not act today, there are going to be as many as 750,000 people who will have a disruption in benefits as of Thursday. I believe the House is going out tomorrow.

We have a compromise on both sides of the aisle we have been working on that was agreed to—worked on by Senators CLINTON, FITZGERALD, NICKLES, SPECTER, CANTWELL, and a range of people.

I understand what we are doing today, if this is accepted by unanimous consent, is taking care of the 750,000 people who will be able to continue to receive their benefits. I know there is a lot more to do.

I am not sure it is necessary to go over everything that is in the bill. Basically, what the compromise does is extend unemployment benefits from December 28—which was while we were all out on vacation—up until June 1, 2003, which is an additional 5 months of coverage. That is what we would be agreeing to today, well recognizing there are other issues in addition to this that we are going to have to do as we go forward on this issue.

The compromise, I should also add, since some of the details were brought up, also provides coverage allowing benefits to be phased out rather than just shut off immediately when the program ends.

President Bush has made it very clear that the extension of unemployment benefits is a top priority. On both sides of the aisle, we have tried to come together. Given the circumstances of having been on our recent holiday, I would like to see us respond in a timely manner, meaning now, through the unanimous consent request, recognizing there is more work to do as we go forward.

The President, as we speak, or in the last hours, has addressed other parts of reemployment. At the end of the day, people want the checks, but what they really want are the jobs. There are other ways we will continue to address that in the future.

I urge my colleagues, very soon, to take the regular order—I will not call for it at this point—so we can take this first important step very significant to the American people, many of whom are not going to see their checks unless we act, and act today.

Mr. GRASSLEY. Mr. President, I rise today in support of extending the temporary extended unemployment compensation program.

In March of last year, Congress enacted the ''Job Creation and Worker Assistance Act of 2002.'' This Act created a temporary program to provide additional unemployment benefits to workers in every State.

Specifically, this program provided up to 13 weeks of federally funded employment benefits for workers who become unemployed and exhaust their regular State unemployment benefits. In addition, the program provided up to 13 weeks of additional benefits in high unemployment States—that's a maximum of 26 weeks.

When this extended benefit program was originally enacted last year, it was scheduled to expire at the end of 2002.

Unfortunately, the economy has not performed as well as we all hoped and the unemployment rate in many States continued to rise throughout last year.

As my colleagues may recall, the Senate agreed to a unanimous consent request last year to extend the deadline. Unfortunately, the 107th Congress adjourned before reaching a final agreement on the extension.

So, we are here again today seeking unanimous consent to extend the temporary extended unemployment compensation program.

This agreement which has been cosponsored by Senators FITZGERALD, SPECTER, COLLINS, GREGG, NICKLES, and CLINTON would provide a 5-month extension of the program through the end of May. This agreement has been reached in consultation with the House Leadership.

I believe a 5-month extension is an appropriate timeframe to see how the economy will perform this year, as well as give Congress the opportunity to consider further economic stimulus legislation.

Our goal should be make sure that everyone who wants a job gets a paycheck, instead of just an unemployment check.

I also believe it is important to point out that although the program expired last week, if we can get this measure through the House and onto the President's desk by Thursday, no one will miss a check.

Unemployment benefits are the bridges that help people get from one job to another. These benefits are not huge, but they're certainly better than nothing for those who are out of work and desperately looking for jobs. People have to put food on the table. They have to heat their homes. They have to buy their kids clothes, shoes and school supplies. Their needs are immediate, and they need immediate relief.

While Congress is approving unemployment benefits, we need to do everything in our power to create jobs. I don't mean just any jobs, but quality opportunities that pay enough income to sustain families and build careers. I look forward to working with my colleagues and the President on creating jobs. Americans are the world's greatest workforce. Folks need and deserve

to use their abilities and skills to the fullest.

According to the Department of Labor, more than 780,000 individuals were collecting extended benefits in mid-December. If we act now to extend this program, workers who qualified before December 28th will be able to continue receiving their weekly benefit check without interruption.

I urge my colleagues to support this measure.

Mr. SARBANES. Mr. President, I am pleased to join my colleagues today as cosponsor of the measure that will extend unemployment insurance benefits. We have a long bipartisan tradition of extending unemployment benefits during periods of prolonged joblessness. We have this policy because it is the right thing to do for people and for the economy. Before I present the case for why extended unemployment benefits are needed—a case which by now almost everyone agrees with—I want to remind my colleagues why we are at this point today.

Led by the late Senator Wellstone, several of my colleagues and I, began this discussion last September. At that point it appeared clear that this economy was still in a weak, 'jobless recovery.' Yet, the administration failed to understand the basic economic reality, and consequently refused to support an extension of benefits. During the next 2 months the economy remained weak and more jobs were lost. My colleagues and I returned to the Senate floor repeatedly, attempting to pass a reasonable extension of unemployment insurance benefits. We asked for unanimous consent eight times, each time pointing out the weak economy, the lack of job creation, the growing number of Americans who had exhausted their benefits, and the upcoming cliff that more Americans were facing, should Congress fail to act. All this while the President remained silent.

Finally, at the eleventh hour of the last Congress, on November 14, we came to an agreement within the Senate. And I would like to thank Senators CLINTON, CANTWELL and NICKLES for their leadership in reaching that compromise. That compromise was needed in order to prevent almost 1 million Americans who should have received benefits from having their benefits terminated. But even that compromise, which passed the Senate by unanimous consent, failed to elicit the support of the President. And without his urging the House failed to act.

Now finally, today we are passing this compromise again. Actually we are passing a slightly improved version which will last for five months, providing individuals with the opportunity to begin receiving extended benefits until June 1st, and allowing all of those who begin to receive their benefits to receive the full 13 weeks, in the event that they are unable to find a job. And it is my understanding that if the House acts on this tomorrow, and the President signs this measure by Thursday, that everyone who should receive a benefit will continue to do so.

However, even with passage of this measure, there is still significant work that needs to be done. This legislation, despite the valiant efforts of some of my colleagues, fails to provide benefits to those who have already exhausted their benefits and are still unable to find a job. There are an estimated 1 million Americans who are in such a position. They are in such a position because the economy has continued to remain weak and is failing to create jobs.

The latest unemployment report showed unemployment at an 8 year high of six percent. We have 2.17 million fewer private sector jobs today than when President Bush took office. We lost 48,000 private sector jobs last month alone.

As a result of the lack of jobs, there are over 1.7 million Americans who have been unemployed and looking for work for more than 26 weeks. There are 150,000 more long-term unemployed than in September and over 1 million more than when President Bush took office. Over 20 percent of those who are unemployed have been so for more than 26 weeks, a greater percentage than at any point in the past eight years.

The premise of the unemployment insurance system is that you give people some short-term support, the labor market picks up, and they can go back and find a job. Today, they cannot find jobs. In fact, not only can they not find them, more people are losing their jobs. So the labor market is contracting, not expanding. Extending benefits in this situation is the proper economic policy. Fed Chairman Greenspan, before the Joint Economic Committee this past November stated: ''I have always argued that in periods like that the economic restraints on the unemployment insurance system almost surely ought to the eased.''

This easing ought to include extending benefits to those who have already exhausted all of their benefits. I can not understand why anyone is objecting to extending benefits to these individuals. It is not because we lack the resources to extend benefits. Extending benefits to these individuals is projected to cost around $7.5 billion. Our unemployment insurance trust funds, specifically designed to meet this kind of situation, are in strong financial condition with approximately $24 billion. Those moneys have been paid into the trust fund over a period of time. The whole system was structured to have these trust funds build up in good times, and then to utilize them in bad times.

We will spend much time debating the wisdom of various economic stimulus plans over the coming months, but one thing that everyone should be able to agree on is the stimulative effects of extending unemployment insurance benefits. As the Baltimore Sun wrote in an editorial on January 3, 2003, ''Few dispute the clear returns from directing short-term relief to those who lose their jobs as a result of the fiscal turbulence. Giving money to people who need it to pay their bills ensures that it will be spent and multiply as it ripples through the economy.''

In closing, I would like to thank all of those who have worked so hard to pass the measure that we passed today. As a result many Americans will receive the benefits that they deserve and our economy will receive some of the stimulus that it needs. And I will continue to work to extend benefits to the 1 million Americans who have exhausted their unemployment insurance coverage.

Ms. MIKULSKI. Mr. President, I rise in support of the Emergency Unemployment Compensation Act. On December 28, 2002, the Federal Government played Scrooge to nearly 800,000 Americans. We left town, and we left a lot of people holding no money for the new year. Because the House of Representatives failed to pass an extension of unemployment benefits, 780,000 unemployed Americans—including 10,000 unemployed Marylanders—had their benefits abruptly cut off just a few days after Christmas.

Yet the story gets even worse. One million Americans have already exhausted both Federal and state aid without finding a new job, and 2 million are expected to run out of state benefits in the next five months. We must act now to help these working Americans who have been hardest hit by the economic downturn.

That is why I am proud to cosponsor the Emergency Unemployment Compensation Act. This bill will give immediate assistance to those who need it most and it will put money back into the economy to keep it going. The Emergency Unemployment Compensation Act will help nearly 2.85 million Americans who are facing the highest unemployment rate since the recession during the first Bush Administration. It will restore benefits for those who were unfairly cut off in December and it will help those who will lose their benefits in the next five months. It will provide relief for approximately 30,000 people in my own state of Maryland who still have not been able to find a job.

Extending UI not only helps those who are hardest hit by bad economic times, it also helps turn the economy around. A good economic stimulus puts money in the hands of the people who will spend it. That is precisely what the Emergency Unemployment Compensation Act does. Workers who have lost their jobs because of September 11th or the economic downturn will spend this money. They will spend it on necessities, like rent and food, to keep the economy going. This bill will inject $7.25 billion into the economy as an immediate stimulus. I believe this will do more to help the people and stimulate the economy than the across the board tax cuts for the wealthy.

I am so pleased that the Senate is ready to pass this bill. But this measure doesn't go far enough. As long term unemployment balloons due to the weak economy, we can't forget about the 1 million Americans who have already exhausted both Federal and state unemployment benefits and have still not found a job. These people have no income, and now they have no safety net. I urge my colleagues to provide an additional 13 weeks of extended unemployment benefits for these Americans.

Mr. FITZGERALD. Mr. President, I rise today to urge the Senate to pass the extension of the Temporary Extended Unemployment Compensation, TEUC, Program.

In November, the Senate acted unanimously to extend the TEUC program through the end of March by passing a bill that I cosponsored along with Senators CLINTON, CANTWELL, SPECTER, SARBANES, KENNEDY, and DURBIN. However, the House and Senate were unable to reach a compromise that would have allowed President Bush to sign the extension into law. This is our last chance to act before there is an interruption in the receipt of benefits pursuant to the TEUC program.

November 2002, the nationwide unemployment level shot up to 6.0 percent from 5.7 percent in October. The law authorizing the TEUC program expired on December 28, 2002. If we do not act now to extend this program, as many as 800,000 workers who are receiving temporary benefits will not receive their full 13 weeks of extended unemployment benefits. 1.6 million workers will exhaust their regular unemployment benefits between December 28, 2002 and the end of May 2003 if we fail to act. If we act today to extend this important program, we will ensure that these workers will receive their next unemployment check.

The unemployment situation in my home State of Illinois is critical. It would be particularly adversely affected if we do not act. In November 2002, Illinois had a 6.7-percent unemployment rate, tying Mississippi with the third highest unemployment rate in the country behind Alaska and Oregon. Illinois' rate was substantially higher than the nationwide 6.0-percent unemployment rate. Over the 3-month period from September through November 2002, the average unemployment rate in Illinois was 6.6 percent, which is significantly higher than the national average of 5.8 percent over the same period. In November, there were 416,200 unemployed persons in Illinois.

I have introduced legislation that would extend the provisions of the Temporary Extended Unemployment Compensation Act of 2002 to allow individuals receiving benefits to continue collecting them until they expire in full. This bill is retroactive, and permits people who otherwise would have had their TEUC benefits cut off on December 28 to receive the full 13 weeks of TEUC benefits. Furthermore, this legislation would make individuals who have exhausted their regular 26 weeks of unemployment insurance eligible for a 13-week extension, and would allow these individuals to apply for such extensions through the end of May. Under my bill, even those who enrolled in the TEUC program just prior to the expiration of the program would be eligible to receive full 13 weeks of extended unemployment benefits.

This bill is a more generous extension of the TEUC program than the extension that the Senate approved last November. It provides for 5-month extension of the temporary unemployment insurance program, which is more than the 3 months of benefits provided by the extension that the Senate passed last year. Passing this legislation will help millions of families nationwide, easing the burden that these families might otherwise experience if their unemployment insurance were to have expired on December 28, 2002. It will help unemployed Americans feed their families and pay their bills while giving them an additional 5 months to find new jobs.

I would like to thank the Senators on both sides of the aisle who have helped to negotiate this bipartisan compromise bill that will extend unemployment insurance benefits to the millions of Americans who need them.

President Bush has called upon us to quickly pass legislation that will extend the TEUC program, a program whose benefits fell off a cliff on December 28, 2002. I urge may colleagues in the Senate to support this necessary legislation. I also urge the House of Representatives to take up and pass this bill in an expeditious manner so that President Bush can sign the measure into law by this Thursday and prevent any interruption in the receipt of temporary unemployment insurance benefits.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I fully appreciate the suggestion made by the distinguished Republican leader, the majority leader. Clearly, we have to resolve what we can resolve. I know a good deal of effort has been put forth in getting us to this point. But that does not acknowledge the urgency with which we have to address all of those people who are not considered in this resolution.

The Senator mentioned the fact that our Republican colleagues in the House have chosen to recess tomorrow. You do not have the luxury of recessing if you are unemployed. You do not have the luxury of recessing if there is no other option for you but to seek unemployment compensation.

I hope, as Senator REID has suggested, that we continue to find a way this afternoon to address this second group of people who need help, this 750,000 to 1 million people who are not covered in this resolution. I think he is right. I don't think we ought to leave until we get the job done this afternoon. There is no reason why we can't complete our work on both groups today, and I urge my colleagues to stay until we get the job done.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I yield to my friend and colleague.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I yield to my friend from Oklahoma.

Go ahead.

Mr. NICKLES. Mr. President, we have to talk about what is doable. If people want to revisit what we did last year, I am happy to do that. We passed temporary Federal unemployment compensation extension last March or April. We passed that. It was a benefit. It passed overwhelmingly in the Congress. It expired on December 28. Several people said we need to extend that. Last year some people wanted to double the program from a 13-week Federal program to 26 weeks. This Senator, along with others, objected to that. The cost of that program or expansion was about $17- or $18 billion. I objected to it several times. I will object to it today.

What I did agree to and what this Senate passed last year was a simple extension of present law. We agreed, Senator CLINTON and myself, Senator FITZGERALD, Senator SPECTER, Senator CANTWELL—by unanimous vote, the Senate agreed to a 3-month extension of the present program. That passed the Senate. It did not pass the House. The cost of that program was about $4.9 billion. The House had passed a program that cost a little less than $1 billion. I tried to work out the differences between the House and the Senate late in the legislative session. I was not successful. Some of us have been working, frankly, for some period of time trying to get something done now.

We have a letter from the Secretary of Labor, Elaine Chao. I ask unanimous consent to print this letter in the RECORD.

SECRETARY OF LABOR,
Washington, DC, January 6, 2002.

Hon. BILL FRIST,
Majority Leader, U.S. Senate,
Capitol Building, Washington, DC.

DEAR SENATOR FRIST: Although the economy is showing some positive signs, we believe that a short extension of Temporary Extended Unemployment Compensation (TEUC) benefits is needed to give many unemployed workers continued access to the necessities of life while they look for new jobs. As the 108th Congress convenes, we urge you to quickly pass an extension of the TEUC program retroactive to December 28, 2002. The only way for states to continue paying TEUC benefits without disruption is if a bill is presented to the President for signature no later than Thursday, January 9, 2003.

If you have any questions, please do not hesitate to have a member of your staff contact Mr. Anthony Bedell, Senior Legislative

Officer, Office of Congressional and Intergovernmental Affairs, who will coordinate a departmental response. Mr. Bedell can be reached at (202) 693–4600.

Sincerely,

ELAINE L. CHAO.

Mr. NICKLES. The essence of the letter says the only way for States to continue paying temporary unemployment compensation benefits without disruption is if a bill is presented to the President for signature no later than Thursday, January 9, the day after tomorrow.

We had to resolve the differences between the House and the Senate. The Senate passed a $4.9 billion bill; the House passed a $1 billion bill. We have worked with our colleagues in the House. I think we have been successful. I believe we have been successful in getting them to accept a straight extension of present law.

We were originally talking 3 months. After negotiations with the House, I consulted with my colleague and friend from New York and said, let's make it a 5-month extension. So we extended the program all the way through May, and then the phaseout would occur. So there would not be a shutoff date as there was December 28, a much better transition. It was my understanding that colleagues had agreed upon this 5-month extension. The cost of this proposal is estimated to be $7.2, $7.3 billion on a 2002 scoring base. It might go up if benefits go up on the calendar year. It might even be a little bit more than that.

That is a significant change that I believe we have the House concurring with to pass. We will not pass and they will not concur with a doubling of the program to 26 weeks. I will not agree with it, and I don't believe my House colleagues will, either.

If we are going to provide unemployment compensation extension benefits so it would be a seamless transition, so those people who are presently receiving Federal temporary unemployment compensation, if they are in this 13-week window, one week or 10, that they could continue to receive benefits without missing a week, we need to pass it. We need to pass it today. It needs to go to the House, and it needs to go to the President by Thursday for his signature. The only way that will happen will be by unanimous consent.

I believe the only bill that will pass will be basically a clean extension of present law, and I believe the proposal we have before us is deserving of all of our support, just as the bill we passed last November, maybe October, we passed by unanimous consent a 3-month extension, this is a unanimous consent extension for 5 months with a phaseout.

I urge my colleagues not to object to the majority leader's unanimous consent request.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Let me just see if we can resolve this issue. We have two questions. One is the substantive question about who ought to be included in the unemployment compensation package. We believe all of those who ought to benefit ought to be provided the coverage in this resolution. Our Republican colleagues say that half of those ought to benefit. The other question is whether we ought to be able to have a procedural vote, whether we ought to have an opportunity to vote on the amendment offered by the distinguished Senator from New York.

I again ask consent that we have the one vote on the amendment offered by the Senator from New York and then obviously whatever the Senate may decide on that amendment would give us an opportunity to come to closure on the resolution itself.

I see no reason why the Senate should be denied that opportunity on an issue this important on the very first day of the session. I ask unanimous consent that that amendment be allowed a vote at this time.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I respond to the comments by the Senator from South Dakota by saying the Senator from Oklahoma laid out clearly why a vote and adoption of such an amendment would be devastating. It would be devastating for the million people we want to cover with the unanimous consent request we have proposed. The House will not accept it. I am not too sure, even if we did pass it here and send it over to the House, the House would not accept it. We will be in conference and the opportunity for us to pass an unemployment extension by Thursday will be lost. I think it is important for us to pass a bill which, I remind everybody in the Chamber, passed when the Senator from South Dakota was the majority leader and the Senator from Montana was the head of the Finance Committee. They passed this unemployment extension.

All we are saying is, let's continue the unemployment extension that you proposed and you passed in the last session of Congress. All of a sudden your handiwork is no longer sufficient today. I don't know what happened between what you did then and what we did today. I don't know what possibly changed the dynamic that would now cause what we are proposing to be insufficient, when what you did was sufficient.

The fact is, this is exactly what you passed under your leadership and what we should do today. We should stop playing politics out of the box with this very important issue to over 1 million people in this country and get the job done.

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

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, the Senator from Pennsylvania has made a number of errors in his comment. Let me clarify. We passed the resolution that we passed in the last session of Congress over the objections of many of those on our side, all of those on our side who felt this very amendment should have been included then. We were told back then we would revisit this issue immediately upon coming back.

Well, we are doing that. But we had a clear understanding that there would be an occasion for us to have a debate and have the amendment we have suggested by the Senator from New York. That is No. 1.

No. 2, I hope this body will never be dictated to by the House of Representatives. We are the Senate of the United States. As the Senate of the United States, I don't want the House telling us what to do. We ought to do what is right. We ought to be the ones to dictate what our position is, not the House.

I would hope we could accommodate the need to address this resolution and the need to address the resolution offered by the Senator from New York. I will suggest a new approach. I would ask unanimous consent that we send two resolutions to the House, the resolution before us and the resolution offered by the Senator from New York. I make that request at this time.

Mr. NICKLES. I object.

The PRESIDING OFFICER. Objection is heard. The Senator from Montana.

Mr. BAUCUS. Mr. President, what is the present business? Is the request by the Senator from Tennessee the pending business?

The PRESIDING OFFICER. The original unanimous consent request of the majority leader is before the body.

Mr. BAUCUS. Mr. President, reserving the right to object, I have a couple of points. One, the Senator from Pennsylvania says, ''what's changed?'' A lot has changed. The unemployment rate is higher than it was last March. That is a significant change. Second, the nature of unemployment in America regrettably is becoming more long term. Economists debate why that is happening; nevertheless, it is a fact. It is becoming more long term. Some of it is Rust Belt jobs not being replaced. A lot of it is in the service industries, whether in technology and financial; but it is becoming more long term.

These people are having a hard time with the change in the nature of our economy and finding jobs. I think, frankly, the request by the Senator from New York is more than reasonable, that at least we should have an opportunity to vote on that; or we can take up the suggestion by the Senator from South Dakota, that we have two different options.

I might also add that this is stimulative. The Senator from Washington pointed out, quite correctly, that economists say for every dollar spent on unemployment, $2.15 is recirculated into the economy. Essentially, a lot of the discussion at the beginning of this year is stimulus—how are we going to

stimulate the economy? I think that at least helping people who don't have jobs gain a little bit of benefits is a good idea because it stimulates the economy. I further add that there will be a lot of discussion over the next weeks and months about the President's stimulus plan, which includes tremendous tax breaks, whether it is dividends or income-tax breaks for these people who have jobs and income.

What about the people who don't have jobs, the people who don't have income? If we are going to ''stimulate'' the economy by giving tax breaks, the very least we can do is help people who are unemployed in an economy whose very nature means there is longer unemployment.

People who do not have income don't pay income tax. I suggest that we find a way to have a vote on the amendment of the Senator from New York. Senators can vote against it. If Senators do not want to be ''dictated'' to by the House, they can vote their conscience and do what they think is right. If Senators believe the House trumps this body, they can vote against the amendment. They have that option. But at the very least, I believe that we, as responsible Senators—I heard a couple of great speeches not long ago about defending the Constitution of the United States and doing what is right. Clearly, doing what is right is helping people who need some help. That is what is right. That is why we are here.

I understand it is a little inconvenient, and I don't denigrate that because of the receptions and the parties that are going on here. I don't think the Constitution had that in mind when the Framers wrote the provisions in that document, the oath of office which we took to support and defend our country.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I hope the leaders will provide some time for debate. The majority leader has made a unanimous consent request. Senators are reserving the right to object. They have no right to yield to other Senators when they are reserving the right to object. Let's have an orderly procedure here.

The PRESIDING OFFICER. The Senator is correct.

Mr. SCHUMER. I will reserve the right to object.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I reserve the right to object, and I will not object. I think there is a lot of good debate points being raised. But I hope we don't start this session the way we ended much of last year, which was getting in great debates about big topics and at the end of the day not passing anything. I think that is really where we ended, and we fouled up on a lot of bills last year—big bills. There were significant bills that we would work for weeks and months on and we didn't get them done.

We have a chance to do something here. I think everybody is agreed that there is more that could be done. That would be good, but we don't have that agreement. We can start this session off with doing something or nothing. I hope at some point in time we can get to the point of doing something.

We have a reasonable proposal that is agreed to by the basic principles in this proposal at least. Let's pass that. Let's start this session off with getting something that is going to be helpful for people. It may not be perfect for everybody, and that is obvious, but we can get something done here. It will be significant and it will be important and helpful. I hope we can move that forward and get this cleared through.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, in my unanimous consent request, I wanted to close what has become some debate here and basically say that we have an opportunity—and I believe an obligation—to finish up the business that we didn't finish in the last Congress, on which we have an opportunity to take the next very important step, which will affect the lives of 750,000 people after next Thursday, which doesn't have anything to do with the House or the Senate. Thursday is the deadline for these checks. If they don't go out, it affects 750,000 people. The 5 months' extension that is being proposed here also affects the lives of about 2½ million other people who will be enrolling over that period. Because we worked so hard on both sides of the aisle over so many months and weeks—and over the last several days—I didn't recognize that we would get to a point now where we would have so many reservations of the right to object. We are talking about Thursday, checks not going out, a dislocation affecting 750,000 people, an additional 2½ million, if we don't address this today. With that, I will call for the regular order.

The PRESIDING OFFICER. The regular order has been called for. Is there objection?

Mr. DURBIN. I object.

Mr. BYRD. What is the regular order?

The PRESIDING OFFICER. The regular order is a unanimous consent request made by the majority leader. The Senator can object.

Mr. BYRD. Parliamentary inquiry: Is the resolution before the Senate?

The PRESIDING OFFICER. The request is to have the measure sent to the desk and passed.

Mr. BYRD. Then the resolution is not before the Senate. There is nothing before the Senate that can be amended at this point.

The PRESIDING OFFICER. The Senator is correct. A request has been made that it be granted so it can be brought for a vote.

Mr. BYRD. The request is an all-encompassing request. It doesn't give the Senate a chance to amend the resolution? That is what I am trying to find out.

The PRESIDING OFFICER. The Senator from West Virginia is correct.

The majority leader has asked for regular order. Senators may not reserve the right to object when the regular order has been called for. They either must object or permit the request to be granted. Is there objection?

Mrs. BOXER. Mr. President, may I make a further unanimous consent request?

Mr. BYRD. Mr. President, do I have the floor?

The PRESIDING OFFICER. The majority leader has the floor.

Mr. BYRD. He made a request, but he sent something to the desk, didn't he?

The PRESIDING OFFICER. The majority leader has made a unanimous consent request and he retains the floor.

Mr. BYRD. Yes, he does. I understand that. I had hoped to suggest the absence of a quorum, but he does retain the floor. I ask unanimous consent that I may speak for 1 minute.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object, I ask to speak for a minute following the Senator——

The PRESIDING OFFICER. The Chair believes that objection is heard. Is there objection to the majority leader's request?

Mr. DURBIN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The majority leader has the floor.

Mr. FRIST. Mr. President, I am obviously disappointed with this objection for the reasons that I have set out. There are 750,000 people and their dependents who depend on these distributions, as well as another 2½ million people. We had been told this had been cleared on both sides after a lot of hard work. I am obviously disappointed, because this is the first move out for me, after it had been cleared on both sides, but I guess that is what I can come to expect. I do hope that my colleagues will rethink today's objection and allow us, for the reasons I have said, to have this cleared later today.

Mr. DASCHLE addressed the Chair.

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

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

Mr. FRIST. I renew my original request.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Reserving the right to object—and I will not object the objection I raised earlier within the caucus has been discussed at length and it is

clear to me that the Democratic leadership, Senator DASCHLE through the membership, will continue to fight for the million people who are not covered by this resolution, but we cannot turn our backs on the 2.8 million who need this check on Thursday.

I will not object to this unanimous consent request.

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

The bill (S. 23) was read the third time and passed.

EXTENSION OF MORNING BUSINESS

Mr. FRIST. I ask the period of morning business be extended for 3 hours under the earlier parameters.

Mr. DASCHLE. I ask unanimous consent the 3 hours be divided equally.

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

The Democratic leader.

UNEMPLOYMENT ASSISTANCE

Mr. DASCHLE. Mr. President, let me thank the distinguished Senator from Illinois for not objecting to this resolution. He and my colleagues feel very strongly, as is evidenced by the debate this afternoon. We will not give up, we will not relent, we will not allow those million Americans who have no coverage not getting the consideration they deserve in the Senate. We will continue to offer amendments.

I put my colleagues on notice: On this legislation and on any other occasion that we have the opportunity to avail ourselves of an amendment, we will do so, because this deserves a vote. It deserves debate. It deserves passage. It is shameful we are leaving out these million people today. There is absolutely no excuse, especially when the President of the United States today is in Chicago talking about more tax cuts for those at the very top. That is wrong.

It is an illustration of the extraordinary difference in philosophy about how we stimulate the economy. This is not only good for the economy, it is good for 1 million people left out as a result of the actions today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. On the Democratic side we have a number of Senators who have asked for a specific time. I ask unanimous consent on our side, and on an alternating basis if, in fact, there are Republicans who wish to speak, that Senator BOXER first be recognized for 5 minutes, Senator SCHUMER for 5 minutes, Senator STABENOW for 5 minutes, Senator DORGAN for 5 minutes, Senator REID of Rhode Island for 5 minutes, Senator MURRAY for 5 minutes. That is a total, I believe, of 35 minutes, leaving 55 minutes for other Senators on this side of the aisle who wish to speak. The normal procedure is to alternate back and forth on the time evenly divided between now and 5 p.m.

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

The Senator from California.

Mrs. BOXER. Mr. President, I thank my assistant Democratic leader for the time.

During the brief debate we had before we voted to extend these unemployment benefits, the Senator from Pennsylvania asked, What is wrong with you people? What has changed, that you really want to protect now these 1 million people, when several months ago you did not speak as loudly for their inclusion?

I state for the record what has happened in this period of time. As we go out and about our States, as I think we all did during this break, we find high anxiety among the people—high anxiety because of this economy. We are seeing more foreclosures than ever. Two million jobs have been lost in the private sector. On top of that we are seeing budget deficits that we have not seen in many years.

My friend who is now presiding, my esteemed colleague, understands this anxiety. We have teamed up to work on giving a jump-start to the high-tech sector with a bill on wireless fidelity, which I believe is going to really help this economy. He understands that.

We have a sense of urgency about that bill because we know we can turn things around. In my State we have a horrible situation in the northern areas because of what I would call a depression, really, in the high-tech sector. Some of it was to be expected; we went through this huge period of growth. We have some settling down there. But nonetheless, it is a problem. We have thousands of people in northern California who are suffering through no fault of their own. These people, who are intelligent, educated, and excellent workers, are out on the street. They are running out of benefits, and some of them have run out already. That is why we on this side of the aisle believe those million people should not be left out of the equation.

I have a State of 35 million people. In terms of its economy, it would be the sixth largest economy in the world. The fact is, the good people in that State need help. Why we on this side of the aisle were so upset and why we kept objecting or reserving the right to object is we wanted to make sure the people's voices were heard. That is what the Senate ought to be, a place where the voice of the people is heard.

We have a situation where our States are worse off. They cannot come in and help because they are financially strapped because of the recession. So people are turning to us. Today we took care of some people. I am very proud we did that, but we have left out in the cold a million people. I will not be satisfied, speaking as one Senator, until we have taken care of all those who are in need.

The Senator from Pennsylvania also made a comment that just some of the States have problems. This is not true. These million people reside in all of the States. In my own State, the pockets of real trouble are in the north of the State right now; the south of the State is doing better. But individuals all over this country need help.

In summary, I say the Democrats are back. We are ready to go to work. We will stay. We will stay late into the night. But we are going to offer, all through this day and all through the coming days, a unanimous consent request saying we need to take care of those million people, those long-term unemployed people whose checks have already run out, who do not know where they are going to get the money to pay the rent, who don't know if they will get evicted, who don't know if they can take care of their children.

There is a new term of art that has come about. It is called ''food insecurity.'' Food insecurity—that is a delicate way of saying people are hungry.

We are seeing food insecurity. We are seeing housing insecurity. We are seeing joblessness. Can we turn it around? Of course we could turn it around.

I have seen the President's plan. In my personal opinion, having looked at where the benefits go, it is a bonanza to the wealthiest in the country, and it is a bust for the middle class. It is a budget deficit disaster. But he has a plan out there. It is a huge plan, and we are going to work to make it better, to get the benefits to those who need them. But if you want to talk about stimulus, talk about the million people who have no money to put bread on the table.

In closing, let's help those million people. I intend to stay here all this week and next and into future weeks to make sure we do.

I yield the floor.

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

Mr. THOMAS. Mr. President, I have been here throughout this debate. I have not been involved in this issue prior to this point, as many have. But it has been an interesting and rather surprising sequence of events here on this first day, this sort of ceremonial day, in which we get into this kind of head-to-head arrangement. It is surprising.

I do understand why this issue was brought to the floor. That is because there is a time element. We heard a letter from the Secretary of Labor indicating that in order to get a continuation of the unemployment benefits of those who are still eligible, we have to do it by Thursday. So I think that is a pretty compelling issue. In order to get that done, we obviously also have to do something that has been agreed to, apparently, by the House as well.

So it is surprising to me that we have this effort made within the Senate, and also with House leadership, to try to do something within this time that is imperative we do, yet we come to the floor and apparently the very people who helped make the agreement now

are proposing an amendment which would kill the bill. Certainly it would not make it available in the time that is necessary.

There is no reason for anybody to argue with the fact that there are those out there who need some additional help. This bill is not a total remedy. I think everyone admits that. We have to come back and do some other things. But this was argued last year. We could not get it done. We should have gotten it done last year and didn't. Now we have an opportunity to do something today to get it to the President, to get it through the House before they adjourn—apparently today.

It really sounds as if the process is such that it is pretty compelling that we do what seems to be available, and that is to pass a bill which would extend unemployment benefits to, apparently, up to 2 million people whose benefits otherwise would expire at the end of this week. If there are others who are eligible who still need some help—and there obviously are—then we can do that. We can come back and do that. But to sacrifice what we can do today to argue about something that we do not agree on yet and can do tomorrow does not seem to make good sense.

I hate to think it is a political issue, bringing up now the President's economic package. It really is not a part of this debate. The President has said all along that he wants to have the unemployment relief extended. So it is a puzzle to me. I hope we can now move forward. We have passed the bill. I say that is the greatest thing we could have done today. Certainly we needed to do that. We can come back and take a look at these other issues and everyone can get their opportunity to express their political issues and, I think, seek to separate us from the other side. I hate to think that is the case, but it seems to be. And it is too bad.

The notion that some of us do not want to do anything is not accurate. How we do it is what we are talking about. We have been through it before.

I am glad we are able to move forward. I think we ought to get in our minds a way to work on the issues that remain to be worked on and do that in the appropriate time. But I am reluctant to think we want to continue to confront one another today and to talk about all the bad things we can think of. That is not quite what is involved with this first session of the Senate.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, there is no question that today is a day for family, a day for congratulations. I congratulate all my colleagues who were just sworn in. I know it is a very exciting day. I remember being in this position 2 years ago. It is a very special day.

But in addition to celebrating family in the Senate today, we are very concerned about those families who find themselves in the difficult position of having no income coming in because of unemployment, through no cause of their own.

They want to work. But because of the changing economy, the structure of the economy, or because of a variety of other reasons, they have found themselves unemployed. Certainly in Michigan we find that the changing economic structure has occurred for many people. Many of us have been asking that we remember them. We asked during the holidays that we remember those whose unemployment benefits would be ending during the holidays and that we take action before we left last year. That did not happen. We are back today.

I commend the new leadership for their willingness to come forward with this issue of unemployment compensation. However, what we have seen today is a willingness to only do half the job. How can we say to a million people, and to their families, on a day when we celebrate families, that they don't count? We are told that the House of Representatives would not support solving this problem completely or addressing it completely—that they would only support addressing half of it.

We have said let us support solving the problem. And we did in fact pass a resolution to move forward solving half the problem.

But our leader, Senator DASCHLE, also proposed that we add a separate resolution to complete the job to help those 1 million individuals who also find themselves in a situation of needing to extend their unemployment benefits. Yet we were told no again. We have been told no so many times on this floor as it relates to helping unemployed workers. It is very regrettable that today, one more time, we were told no. I think, more specifically, families were told no. Those who have lost their jobs were told no. One million people were told no.

We celebrate today people coming into new commissions, new jobs, and with great pride, as they should. We know the ability to work and to be able to provide an income and care for your family is one of the basics of our society and our economy. We know that there are Americans today who find themselves in a difficult situation of searching for work, of being unemployed, and asking that their Government support their families as they move forward to find new employment so that they can care for their families in the way they would like to provide for them. Unfortunately, I believe today a tone was set by choosing not to address this problem completely at a time when we are seeing, unfortunately, one more time, an economic plan rolled out to help those who have been helped so many times who are at the very top of the income bracket in our country.

As a member of the Budget Committee, I have heard many economists, including Alan Greenspan, say that by extending unemployment benefits—and by putting dollars into people's pockets so they can pay their bills, buy the shoes for their children, and be able to continue providing groceries for their families and paying other bills which they have—we actually stimulate the economy. We create demand. When there is money in people's pockets, they are spending it. We know someone who is unemployed is going to be spending it because they have to. The money coming in is not being saved. It is being spent on clothes, food, the electric bills, the car payment, the mortgage payment, and so on.

We know that is a short-term economic stimulus—certainly at a time when we are debating economic stimulus.

What we have been asking for today is something that is not only fair and right to address—all of those who find themselves in a situation of being unemployed, not leave 1 million people out of the solution—but we are also asking, as we talk about economic stimulus, that we in fact provide the kind of stimulus that puts money back into the economy and helping those who need to spend it to care for their families, to pay their bills, to be able to remain independent in their homes, and to be able to know that they are a part of the economic equation, and when we talk economic stimulus, that they are not left out.

While I am pleased we were able to pass the resolution, I am very disappointed that this very first time we were not able to address or even bring forward in a separate resolution the ability to address 1 million people today who are looking to us, at a time of celebration, and asking us to remember them; to ask on their behalf so they, too, can have the ability to care for their families. I hope we will, as quickly as possible, finish the job.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I first ask unanimous consent that Senator SCHUMER be placed as the next Democrat to be recognized in the order of recognition.

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

Mr. REED. Thank you, Mr. President.

Mr. President, let me remind not only my colleagues, but the American people, why we are forced today, at the eleventh hour, to make a very cruel choice between helping some Americans and abandoning other Americans. It is because all through last fall, the Republican House of Representatives refused to take up and vote upon unemployment benefits in a meaningful way that would lead to successful passage. The President did not involve himself on this issue until the unemployment rate reached 6 percent. He fired his economic team, and they discovered there really were Americans who desperately need help.

Today we were forced to make those choices that you see sometimes in the movies about who gets to stay in the life boat. It was a completely unnecessary choice.

The Senator from Oklahoma talked about one proposal costing $4 billion and another proposal costing $1 billion. The House wanted $1 billion.

There is a surplus today in the unemployment insurance trust fund of $24 billion. There is absolutely no fiscal reason we could not provide these benefits to 1 million Americans who have exhausted their unemployment benefits. We heard from colleagues on the other side of the aisle that they are categorically opposed to giving any extension of benefits beyond a certain time. This not only defies logic and defies the fiscal status of the trust fund but also defies history.

In the early 1990s, this Government extended unemployment compensation a total of five times—three times under President George Herbert Walker Bush because unemployment continued to rise for the 15th month after the so-called end of the recession. There are cases in which individuals were able to collect unemployment benefits for a total of 52 weeks because they qualified for these extensions.

Why is this so important? Because people are desperate. They had good jobs. They lost those jobs. They are looking for comparable work. They cannot find it. The record of this economy under this President is dismal. Family incomes have fallen for the first time in 8 years. Poverty is increasing. Families at all income levels are losing their health insurance left and right. Gross domestic product is growing, but it is growing too feebly to generate the jobs these people need.

Since the President took office, 2.2 million private payroll jobs have been lost. We are losing jobs. We are not gaining jobs. We are asking them to find jobs; we are setting them on a task that is extraordinarily difficult.

So what can we do in the interim?

We can at least give them unemployment compensation, extended, if necessary. It is the fair thing to do. It is the wise thing to do. The President, in his economic speech in Chicago, talked about some special $3,000 benefit for those people who are unemployed. Let's do the mathematics. That $3,000 represents probably a fraction of the unemployment insurance someone would collect if we voted for these benefits. That is not a good deal for the people of America—a $3,000, one-time payment, some type of scheme in which they can use it either to pay their household costs or go to training versus receiving, on a regular basis, unemployment compensation as they look for work.

The reality, as my colleague from Montana pointed out, is that unemployment is different today than it was even 10 years ago in the recession of the early 1990s. It is different because the economy has changed.

The State which the Presiding Officer and I represent used to be a manufacturing center, not just to the United States but to the world. That is changing. As I go about our State talking to people, the unemployed are 50-year-old, former mid-level management people who used to work for a company. They did not get fired. They did not get laid off. The company went away, went out of business, moved its operations to Mexico, moved its operations to Singapore. And then you ask this person, with a mortgage, college tuitions—and the health care benefits which they used to get at work are now his responsibility or her responsibility—to go look for a job with comparable pay? They are not hiring people like that. They are looking for the 35-year-old, with a computer degree, who will work cheaper, who does not have those responsibilities of a family, of a mortgage.

That is the reality out there. That is what we are fighting about today, not the number ''1 million,'' but a million Americans, struggling to find work, trying to find work. They need help. And we turn our back on them today. I heard my colleague, the Senator from Oklahoma, say he would never bring up extension of these benefits to people who have exhausted their benefits already. I heard the majority leader sort of talk about: Well, we want to deal with this issue, but let's get this issue done first.

The message is pretty clear to me and should be clear to the American public: We are walking away today from a million people. We should not do that.

This seems to me to be so clear and so obvious that I am, in fact, amazed and shocked at what we did. The money is there. This is a benefit for people who are looking for work. Once they find work, the benefit expires. We are talking about stimulating the economy. What is more stimulating than giving people money to pay for their household goods as they look for work?

I am more than disappointed. But we were forced today, because of the inattention of the administration and the House, at the last minute, to choose between denying benefits to all unemployed Americans or abandoning about a million—a cruel, unnecessary choice. We can do better. We should do better.

I yield the floor.

The PRESIDING OFFICER. If nobody yields time, time will be charged equally to both sides.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REED. Mr. President, I also ask unanimous consent that the time be equally charged to both sides during the quorum call I am about to suggest.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BENNETT. Mr. President, I ask unanimous consent to proceed for up to 10 minutes as in morning business.

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

TRIBUTE TO SENATOR TRENT LOTT

Mr. BENNETT. Mr. President, this is the first day of the 108th Congress. I remember the former Senator from Kansas, Nancy Kassebaum, used to refer to these days as the first day of school, coming back after the recess. Of course, it is a time of celebration as new Senators gather. This one is particular in that it is a time of a new majority leader. I rise to express my confidence in and give my congratulations to Senator FRIST of Tennessee in his assuming the position as majority leader. He will prove to be an outstanding leader. The Senate and the people of the United States will be well served by his stewardship.

However, I wish to take this opportunity to make a few comments about the previous majority leader, Senator LOTT of Mississippi. Senator LOTT has been very much in the news of the last few weeks. He ultimately made what I consider to be the right decision in stepping aside so that the challenges raised to him would not get in the way of the business of the Senate or of the country. The caricature of Senator LOTT that appeared in much of the national media did not match in any way the man that I know and love.

I rise to comment briefly on the contribution Senator LOTT has made to this institution and to the Nation and take the opportunity of the shifting of power to pay tribute to Senator LOTT and the work he has done.

There are many things in his career that we could point to. This is not his funeral so I won't run through a list. But there is one in particular that stands out in my mind, which I will share with those who may be watching, that demonstrates the kind of leader TRENT LOTT WAS. I refer to the experience many of us described as the most significant of our careers, and that was the historic moment when the Senate sat in judgment as a trial for the impeachment of the President of the United States. For only the second time in our history, a President had been impeached by the House of Representatives, and we were required

under the Constitution to hold a trial to determine whether the President should be convicted of those crimes of which he was impeached.

Many in the press, many uninformed, asked: Why is the Senate wasting its time dealing with this challenge?

The Constitution left us with no choice. Once the House of Representatives had voted impeachment, the Senate was required under the Constitution to hold a trial, with the Chief Justice of the United States presiding. It was a historic time, and many of my colleagues commented that this was the most significant vote they would ever cast in their political careers.

We met in the old Senate Chamber to discuss what we should do. That was a historic meeting, off the record, if you will, because it was not here with an official reporter taking down every word. But it was an opportunity for Senators to speak freely and openly. In very solemn and somber proceedings, we discussed what we should do. I am not violating any confidences because it has been reported in the press that the Senator from West Virginia, Mr. BYRD, spoke on behalf of the Democrats as we addressed that issue. He made this point. I can't remember his exact words, but these were the words that are in my mind.

Referring to the case before us, he said: This case is toxic. It has besmirched the Presidency, and it has soiled the House of Representatives. And it is about to do the same thing to us.

I believe his analysis was correct, that the case of President Clinton and his actions did indeed besmirch the Presidency, degrade the Presidency, and I think the way it ultimately played out in the House of Representatives stained that body and left bitterness that is still producing bitter fruit. Senator BYRD warned this case, this toxic case, was about to affect the Senate.

The majority leader, who had to handle such a case, was TRENT LOTT of Mississippi. I was at his side in many of his meetings. I watched from afar in many of the other things he did. Senator LOTT handled that historic challenge with as much sensitivity, finesse, wisdom and, yes, grace as it would be possible to do.

When it was over, Senator LOTT and Senator DASCHLE met in the well of the Senate, embraced each other, and said: We did it.

Yes, they did. And they did it together. But the primary responsibility was on the shoulders of Senator LOTT. He made Senator BYRD's prophecy not come true. Instead of staining the Senate, instead of soiling the Senate the way that case soiled the Presidency and the House, it was in many ways the Senate's finest hour. The case was handled with dignity. The case was handled with dispatch. And the case was handled with a minimum of bad feelings on both sides.

There are some outside the Senate who attacked Senator LOTT and said: You should have had a full-blown trial. You should have let this drag on for 6 weeks, even 6 months. And at the end of that period of time, maybe, just maybe, you would have had a conviction.

Senator LOTT understood that the dignity of this body and the unity of the country required the kind of handling of that case that he gave us.

History will look back on the stewardship of TRENT LOTT as majority leader of the United States with great approval and kindness. This is a man of extraordinary skills who handled himself in an extraordinary way, and all of us who sat in the Senate through that experience benefited by his leadership.

Now he is moving on to other assignments. As I congratulate Senator FRIST on his ascension to the majority leadership, I also congratulate Senator LOTT on the prospect of a continued career of contribution, perhaps in the policy area more than in the process area. He has demonstrated that he can master the legislative process as well as anyone on the planet. I expect he will now demonstrate that he can make contributions of equal significance in the policy area.

On a personal note, while he is many years my junior in this business of politics, he has acted as my mentor and my teacher. I can think of many times when I have been tangled up in the minutia and arcane nature of the way this body works, where I had nowhere else to go to get myself untangled and set straight. I called Senator LOTT and, with calmness and clarity, he said, why don't we do this and, suddenly, the Gordian knot was cut and I emerged ready to go forward in my career because of his wisdom and his guidance.

Again, I congratulate Senator FRIST. I was happy to vote for him when the opportunity came. I am looking forward to working with Senator FRIST as he demonstrates his ability to lead this body. I have every confidence that that will be a tremendous period in the Senate's history, but, at the same time, I wanted to rise and make it clear that as we embrace Senator FRIST's leadership we should recognize and pay tribute to the contribution made to this body and ultimately to the country by Senator TRENT LOTT of Mississippi.

I yield the floor.

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

UNEMPLOYMENT BENEFITS

Mr. SCHUMER. Mr. President, first, I congratulate all of my new colleagues who were sworn in today, and all of those who won reelection—but particularly those who are here for the first time, and my good friend from New Jersey who is here for the second time, with a hiatus. I congratulate the new leadership on the Republican side, along with Majority Leader FRIST. We look forward to working together for the good of our country.

Today, I stand here feeling, I guess I would say, boxed in because we on this side of the aisle who feel that the unemployment package was not adequate are faced with the choice of taking half a loaf or none. Of course, when you are in a legislative body, you tend to take that half loaf. We will do it today—or we have done it already today. But when it comes to people out of work, when it comes to the pain in the eyes of fathers and mothers, young men and women who talk about missing or losing a job, knocking on doors and not being able to find one, half a loaf is not very adequate.

I find it confounding that the other side did not allow the amendment my colleague from New York proffered. We only asked for a half hour of debate, so it cannot be that it would take up much time. We certainly do not believe that they didn't want to help the unemployed. So the only logical answer is dollars. They thought it might be too expensive. To me—the main point I want to make this afternoon is this—the contrast of our President speaking in Chicago and putting forward a $600 billion plan of relief, mostly on the tax side—and the vast majority of that plan goes to the very highest income levels. I read somewhere that 42 percent goes to 1 percent; 1 percent of the highest income get 42 percent of the relief. One percent is 311,000. So there is $600 billion to go to tax relief, mainly for the most well off, and there is not a billion dollars to include a million people—150,000 New Yorkers—to give them the unemployment benefits they now do not have.

How many Americans would support that? Our job is to juxtapose those two issues. I hope the media will do that. These are not two separate issues because we have not heard a single reason that we cannot take the larger bill. They say our colleagues in the House will object. Then let the American people look at them and say to them, if you can afford and you are going to support $600 billion in tax relief, largely to extremely wealthy, high-income individuals and families, why can't you support a billion dollars for the unemployed?

If the election we just held were on that issue, what do you think would have happened? My guess is that the results would have been quite different. Frankly, our colleagues in the House and some on the other side of the aisle don't like to see this issue contrasted. The tax relief—huge amounts of it—is going to the upper income spectrums and the stingiest, the parsimonious attitude when it comes to the unemployed. It is not that we cannot afford it, because I offer to my colleagues, let's do $599 billion of tax relief and do this billion dollars. Hardly anyone would notice, except those million people who are out of work and desperately looking for work.

So I hope we will have another opportunity to work this amendment forward. I worry that we can make a lot of speeches on the floor of the Senate, but, yes, they will say, bring it up as

part of the stimulus package, we will pass it in the Senate. But it will die in conference, and then there is nothing we can do legislatively.

So while I didn't agree with my colleague from Illinois for objecting because we are in such a box—I thought we should not object and try to persuade them—I sympathize with his anger and with his frustration that we could not spend a half hour to talk about some money for people who are out of work, or our colleagues here would have withdrawn the bill and hurt the 2.8 million who will benefit, and justifiably so.

The issue of money for the jobless doesn't change America. Unfortunately, it is not the most important issue we face. Getting a good education and good health care and more jobs for people is far more important than a stopgap measure. Until we are able to do that—so far we have not—we have to help those who need help. These are not people sitting on their duffs trying to get a check. They are people who are knocking on doors every day. When a notice goes out that one company is hiring, you see hundreds and even thousands in my city and elsewhere throughout my State lined up around the block.

People desperately want work. The best thing we can do is give them jobs by stimulating the economy in a real way. But until we do, it is our fundamental and solemn and important responsibility to at least let them live a life of dignity, maintain the payment on the home, feed the child, put a coat on the spouse's back. That is all we were trying to do today. It is unfortunate that we were put in such a box and we were told take half a loaf or none. When it comes to unemployment, we should not have to deal with half a loaf.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I regret what happened in the Senate today. We passed some legislation that will offer some assistance to some who are unemployed in this country, but we left 1 million people who should have received the help of Members of the Senate, from the Congress, and from the President, without the kind of help they need. A lot of folks in this country don't have people clogging the hallways of the Capitol lobbying on their behalf—certainly not the people who are without means, at the lower end of the economic ladder; they have not hired people in the hallways of the Capitol to represent their interests. They rely on us to do that. There are so many families in this country who know things that Members of the Senate do not know. They know about a second shift, they know about a second job, they know about a second mortgage, and they know about buying a secondhand car. They know firsthand that they are the first in this country during an economic downturn to be called into an office and be told, by the way, you are being laid off, you are losing your job.

Hundreds and hundreds and hundreds of thousands of Americans have had to go home to tell their families that, through no fault of theirs, they were given a notice that their job was gone. They are no longer employed. It is a devastating thing for families to experience that. In most cases, during an economic downturn, the Congress has moved very quickly to say, yes, you lost your job, but it wasn't through your fault, it wasn't something you did, and we want to help you, we want to extend a helping hand during this rough spell in the American economy. Congress has always done that—that is, until last year when we tried and tried in the Senate to pass legislation to extend that helping hand and extend unemployment benefits, and now again today when we made the effort once again.

It is terribly disappointing that today the President is in Chicago announcing his tax proposal. At a time when we are experiencing very substantial budget deficits, the President is proposing a tax cut of $675 billion over the next 10 years. That is $65 billion, $70 billion a year for 10 years in tax cuts, and then we are told: But there is not enough money really to fund that rather small amount needed to help those who are unemployed, who have lost their jobs. I do not understand that.

It is interesting to me, and also a little perplexing, that we are told the budget deficits are just a result of the economy; it is just because the economy turned sour. A year and three-quarters ago, we had a debate in the Chamber of the Senate about a new fiscal policy. We were told we ought to embrace the idea of very large tax cuts for the long term.

Some of us stood up at these desks and said: Wait a second, it is pretty hard to see very far down the road. Shouldn't we worry perhaps some unforeseen consequences could run this economy into the ditch and cause very serious problems? Not to worry, they said. We have all that covered. We have contingency plans. So just pass this big tax cut of ours. The Congress did—not with my vote, but they did pass that large tax cut.

Within months, we discovered our economy was in a recession. Months later, on September 11, we were attacked by terrorists. And then there were corporate scandals almost unprecedented in this country's history. The tech bubble burst in the stock market. All of a sudden, very large Federal budget surpluses turned into very large Federal budget deficits, and now we are in a fix. Now we have competing needs, one of which is the item we discussed today: The need during an economic downturn to reach out a hand and help those who need help, to help those who have lost their job, by extending unemployment benefits.

Another competing interest and need was announced today by President Bush, saying what we really need at a time of unprecedented budget deficits—as far as the eye can see—is more tax cuts, $675 billion in additional tax cuts.

Interestingly enough, in terms of priorities, they say no to the people who have lost their jobs and need their unemployment extended, but they say yes in public policy, in this tax proposal, that we ought to tax people who work: Let's tax work and let's exempt investment. What kind of a value system is that?

There are many ways of making money. Some of them are to go to work, work hard, and get a paycheck. No one is proposing eliminating the tax on the paycheck, are they? So they say: Let's tax work.

Another way to make money is to collect substantial dividends from stockholdings and stock purchases, and the President is saying: Let's exempt that; we should not tax that at all.

I do not understand the value system: Let's tax work but exempt investment. Guess what that says. That says to the American people who are working—who, in my judgment, are the people who make this economic engine work well—we are going to tax you, but the folks who just sit back and collect their dividends—incidentally, the folks at the top of the income earning ladder—we are going to exempt you. Not with my vote we are not. Yet in terms of priorities on the very day the President says let's have a $675 billion tax cut, let's keep taxing work and exempt from taxation investment, he and our colleagues on the other side of the aisle say: We cannot afford that small amount of money to extend unemployment benefits to those at the bottom of the economic ladder, those who have had to come home with shattered dreams to tell their family: I have lost my job. What a devastating situation that is. These are people who want to work, who did work and, through no fault of their own but through a bad economy, lost their ability to work.

The best tradition in this country has always been for this Congress, during an economic downturn, for sound reasons, including trying to provide some stimulus to the economy, to say to those who have lost their jobs: We want to help you. It helps this country to help you. We are there now to give you some help during a tough time for you and your family.

I regret very much that today we were not able to do that for 1 million Americans who look to Capitol Hill and this capital city for us to make the right decision at the right time.

Today, regrettably, the majority in the Senate failed. There will be another day, and my hope is we will see a different decision, a better decision for those folks at the bottom of the economic ladder who want to work, who did work but lost their jobs, and

for whom no one is clogging the hallways of Congress lobbying on their behalf. If this were a big economic interest, you can bet this Capitol would be full of people, well paid, with dark suits, ready to make the case for their economic interest.

There are a lot of folks out there today who are going to gather around their supper table and talk about their lot in life during an economic downturn and talk about where they looked for a job today, talk about the job they used to have, and talk about the hopes they had that we would help them during this tough period. They today will be mighty disappointed.

My hope is in a week or in a month, perhaps we can persuade our colleagues that today's decision was the wrong choice for our country and certainly the wrong choice for a lot of American families relying on the Congress to make the right decision today.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Mr. President, I associate myself with the remarks of the Senator from North Dakota who has, once again, eloquently put this issue into a much larger context, a context that concerns the economic and tax policies of our country.

Today I have introduced a bill to help those who have exhausted their unemployment benefits, the nearly 1 million Americans we have heard spoken about from so many of my colleagues from Washington to North Dakota to Rhode Island, who have just run out of time and run out of money. They were eligible for the programs that each State administers, as it should be, because in many of our States we have had an increase in unemployment over the last year.

We now have a 6 to 6.5-percent unemployment rate in many parts of the country. In New York City, which is still dealing with the aftermath of the terrorist attacks of September 11, 2001, we have an 8-percent unemployment rate. Many of these people who lost their jobs have been working all their lives. When something happened—a layoff, a bankruptcy, a terrorist attack—and many of them have spent month after month looking for work and not finding it. In an economy such as we have now, which is not producing jobs, many people for the first time ever, especially given what we enjoyed during the 1990s, are finding it impossible, not just to find a job that paid what they were used to receiving through their job, but paying anything.

I recently had a number of such New Yorkers to my office in New York City shortly before the December 28 cutoff of unemployment benefits. I wish they could be here in the Chamber.

I wish that all of my colleagues could speak with the man who had worked on the Windows of the World restaurant at the top of the World Trade Center for more than 20 years, a manual laborer but a good hearted, decent American who, year after year, showed up, did what he was supposed to do, and luckily for him and his family was not at work on the morning of September 11, but unluckily for him and his four children, he no longer has any work. He has gone from place to place.

I wish my colleagues could meet the woman from Queens who was widowed when her husband died 3 years ago, had worked in the same business for many years, and now has lost her job and no longer has unemployment benefits. What are we supposed to tell these people?

We ended welfare as we knew it because we did not want anyone to be dependent, to produce generational dependency, and I supported that. There is not any better social program than a job. But when we do not produce jobs in the economy for decent, hard-working Americans, what do we expect to happen?

Some of the things that are happening: In many States, after being in decline for years, welfare rolls are climbing. In many States, homelessness is increasing, and it is homelessness of families with children. Bankruptcies are growing. Individuals who are chronically unemployed are going on Social Security disability in order to have some kind of income, one of the fastest growing programs in our country.

When we first started talking about extending unemployment benefits—I introduced a bill last July—we did not get to first base. We did not even get out of the dugout. We would raise it time and again. My wonderful friend, our late colleague, Senator Wellstone from Minnesota, used to be at that desk. He would never be in the chair but would be pacing about. Before his tragic accident, every day he came to the floor asking that we extend unemployment benefits.

We often harkened back to the situation during the recession of the early 1990s when unemployment benefits were extended five times and signed into law by the first President Bush, as well as President Clinton. Finally, the Senate passed a measure.

I appreciated greatly working with my colleague, Senator NICKLES from Oklahoma, to get that done last year. We could not get it through the House. We did not have the support of the administration. But today, we have done the right thing, at least half the right thing. I am very grateful for that. I thank the President for his support. I thank the Republican leadership in the House for their support, but I mostly thank my colleagues and our new majority leader, Senator FRIST, for making sure this was the first order of business for this 108th Congress.

What we did today to help the nearly 800,000 Americans who watched their unemployment benefits disappear at the stroke of midnight on Saturday, December 28, to make sure the program will be there for those who are unfortunately coming on to the unemployment rolls was important, but it was not enough. We have to do more. We have to recognize the people who have exhausted their benefits, who are working as hard as they can to get work, who are found throughout our country, in every walk of life, doing every kind of job with every sort of challenge one could imagine. But what are we going to say to them?

We have a big task ahead of us to try to get our economy growing again, create jobs, move our Nation in the right direction. This new problem in the 21st century—new in the wake of the economic boom of the 1990s, that we have tens of thousands of Americans who want to work but cannot find a job—will have to be addressed.

Mr. President, I would now like to discuss a bill I am introducing.

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

Mrs. CLINTON. I thank the Chair.

(The remarks of Mrs. CLINTON pertaining to the introduction of S. 87 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Montana.

WESTERN DROUGHT

Mr. BURNS. Mr. President, in listening to my friend from New York talk about homeland security and the work we will be doing, she agreed to cochair the A 9/11 caucus. I invite other Members of this body to get interested. We found out cell phones worked pretty well during 9/11. Communications worked fairly good. There were some weak points, but those are being addressed. When we talk about 9/11 and wireless communications, there will be several of those issues that will come up in this Congress. We welcome the input of our colleagues as those issues move along.

Today we did take care of part of the unemployment compensation problem, extending it to workers involuntarily and who became involuntarily unemployed during 9/11 or as a result of 9/11. There is not one in this body who was not sympathetic to their cause. However, I have another segment of the American economy that is hurting just as badly. I will talk a little, by the way, today about the situation called drought. It is expanding throughout not only the upper Midwest but through the western part of Kansas, Nebraska, Dakotas, Montana, and Colorado, and extending down into New Mexico and the panhandle of Oklahoma.

There are always islands and spots that get enough moisture. In this morning's newspaper, the Billings Gazette in my hometown of Billings, MT, it was reported the water contents in the lower Yellowstone Basin snow pack rank the third lowest on record. It is only 63 percent of average. That one year at 63 percent average does not give cause for alarm. However, when

you look at the sixth year of these situations, you get alarmed.

Last Friday, I drove to Sheridan, MT. I have never seen in the Big Horns, in the range west and northwest of Sheridan, WY, a snow pack that is as small as it is for this time of the year. The same is true in the Bear Tooth, but further west it is better. In the area important to irrigators and water users in my State, those snow packs are very low.

Agriculture in those droughted areas is just hanging on. If not relief this year, then we do not have to worry about them next year. They will be unemployed, too, and for reasons beyond their control. It is beyond anyone's control. Yet they do not qualify for unemployment benefits that we have approved today. A disaster package is being worked on. There are some folks averse to that.

Many of my colleagues in the Senate and in the administration continue to cite the farm bill as a solution for drought-stricken American agriculture. This bill is not retroactive, folks. It does not account for the losses incurred in 2001 and 2002. I remember the debate on that farm bill. The amount of money going to the Department of Agriculture sounded huge, spending almost $74.4 billion a year with the USDA. But they ignored that 27 percent of that figure was dedicated to farm programs and no money dedicated for disaster. Regarding the rest of the money, the American taxpayer should be overwhelmingly thanked for their generosity by those who perhaps cannot speak for themselves. That is, the working poor, women, infants and children, and food stamps. Mr. President, 63 percent of that humongous figure that people thought would go to production agriculture does not even go near production agriculture.

We thank the American taxpayer for making sure that, yes, there are food and nutrition programs dedicated to those seeing tough times in other sectors the Senior Farmers Market Nutrition Program, school lunches and breakfasts, food stamps, WIC, a program administered by the counties, to make sure young women, and usually young, single women, know something about nutrition, and of course the programs that feed them and their infants.

There are other programs under the umbrella of the USDA not directly to the producer, such as a nonagricultural loan and grant program to communities and individuals. How about this, folks? A historic barn preservation; or studies of animal welfare to see if mice should be used in scientific research. All this is from the huge pot of money that made every headline, in every newspaper across the Nation as excess spending for production agriculture.

So we thank the American taxpayer for funding those programs. We are trying to work on a bill, to be introduced before this week is out, for drought assistance. We cannot fight a natural hazard. If there were a way I could do it, I would. But we need just plain old rain and we need it before the spring thaw sets in.

So we passed the unemployment benefits today. What I am saying is there are other wants and needs in this country, too, and they have to do with the security and the safety of a good, strong agricultural food program. Once the legislation is introduced, the debate will begin, and it will be an interesting debate.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

THE ECONOMY

Mr. NICKLES. Mr. President, I spoke earlier today on unemployment compensation, and I am not going to repeat those statements. I think it is really unfortunate that some people maybe want to play politics with this issue. I don't know. I am concerned. I am pleased we were able to pass a bill that will help a lot of Americans. I had resisted in the past and will continue to resist efforts to double the Federal program from 13 weeks to 26 weeks for every State. This is a Federally financed program—financed entirely by the Federal Government. In other words, people who participate in this program have already exhausted State benefits which are 26 weeks. Last year in March or April we passed a Federal program for 13 weeks of benefits. Some people are saying that 13 weeks should be 26 weeks. In other words, an unemployed person would be able to receive 1 full year of unemployment compensation benefits regardless of whether or not they are in the high unemployment State. I disagree with that. If you continue to expand unemployment benefits for a longer duration, in some cases you are going to expand unemployment. It will create disincentives for people to go to work.

I believe a fact of interest is that 70 percent of people receiving unemployed benefits are living in a household with an employed worker.

I just mention these facts not really to debate it but just to say there is a real concern trying to turn a Federal program which is to be temporary into a permanent program and to take a temporary program of 13 weeks for all States and make that 26 weeks. That is very expensive. I have strong reservations about it. I opposed that several times last year for months and will continue to do so if persons try to pass that proposal.

I might also mention there are several other expansions of unemployment compensation in the bill that was promoted last year. I brought that to individuals' attention who were sponsoring it because I think it had fatal flaws. I think, more importantly, rather than just trying to figure out ways in which we could expand unemployment, we should be figuring out ways to expand employment. How can we grow the economy? How can we expand jobs? How can we create more jobs, and not reward people for not working but reward them for working? Let's create greater incentives for work.

The President's speech today in Chicago outlined a growth package. I compliment him for it. It is different. In many cases, it is very good tax policy. I really hope when we work on tax issues that will work for things that are good tax policy. There are a lot of things under the present code that need to be changed and that need to be corrected that are wrong and that are real disincentives to grow, build or expand—one of which is double taxation of dividends.

I used to run a corporation. Why in the world would a corporation or somebody who runs a corporation want to pay dividends? The corporation has to pay a 35-percent tax on the earnings. And dividends come out after tax. So you have already paid a 35-percent rate. Then they are paid out to individuals. They also have to pay tax. The individual in all likelihood would be at a 27-percent rate, or a 30-percent rate, or a 38-percent rate. So you had the 37 percent plus the 35 percent. You are already at a 73-percent tax rate. If a corporation makes $100, $73 of the $100 goes to taxation. That is not very good use of resources from a corporate manager's position. It is not very encouraging of investment. A lot of us would like to eliminate that unfair penalty of double taxation.

The President proposed that today. There are different ways of doing it. He proposed one. I compliment him for it. I also believe the President had a provision to allow greater use of what we call expensing—allowing individuals—I believe in this case small companies—to expense items, I believe up to $75,000.

I used to run a small business. I have run a corporation. As I say, I have also run a small business. But if you allow small business to expense, they are going to be able to recoup the investment they make that year. They make the investment that year, they expense it, and they recoup that investment. That would greatly increase their incentives to make another investment. I think that is very positive for job creation, maybe the most positive as far as getting jobs for the dollars that we are talking about.

So I am pleased the President has that in his proposal. I hope this Congress will aggressively pursue expensing and/or accelerated depreciation or more realistic depreciation schedules over the life of these properties.

Far too many properties, under current tax laws and current regulations, require depreciation over a long period

of time, much longer, in some cases, than the actual lives of the property. That discourages investment. So I encourage our colleagues, if we want to create jobs, let's work on accelerating depreciation or allow people to expense items or at least allow a shorter depreciation cycle for a lot of goods and services.

One example is software. A year ago, I believe, or 2 years ago, the depreciable life of software was 5 years. It was the same thing for computers and equipment. But we all know software is obsolete in a couple years, and hardware, for the most part, is probably obsolete in 2 or 3 years, certainly not 5 years. So allowing for a more realistic depreciation schedule makes sense.

Another example is improvements that you would make for apartments and homes if you are in the rental business. Right now, you have to depreciate these improvements over 39 years. If you have an apartment complex, and you want to make some investments to upgrade that apartment, you should be able to depreciate those improvements over a much shorter period of time than 39 years. It should be more like 15 years, maybe even 10 years. If we made that change, a lot of people would make those investments. A lot of jobs would be created in the process.

The President's proposal also says that we should have acceleration of the tax cuts that are already on the books. I agree with him wholeheartedly. Tax cuts, some of which are now scheduled for 2004, some of which are scheduled for 2006, in my opinion, should be made immediate, January 1, 2003.

If we want to have any positive economic impact from them, it does not do a lot of good knowing that they are going to come in a couple of years. Let's make them immediate. I know some people want to play class warfare and say: Wait a minute, that is a tax cut for the wealthy. If we did it immediately, the maximum tax rate would be 35 percent. When President Clinton was elected, the maximum tax rate was 31 percent. So it is still almost 20 percent higher than it was when President Clinton was elected. Now, 35 percent—why should the Federal Government be entitled to take over a third of what an individual makes? I believe 35 percent is a little over a third.

So why is that such a bad deal? We have to look at taxation policy, what is right, what is fair. Should the Federal Government be entitled to automatically take that amount?

I talk about marginal tax rates a lot because high marginal tax rates inhibit individuals, investors, entrepreneurs, small businesspeople, farmers, and ranchers from building and expanding if they have to work for the Government the majority of the time.

I used to be self-employed. Self-employed individuals pay the highest marginal tax rates of anybody. And guess what they create: about 70 or 80 percent of the jobs in America. You do not have to be very wealthy before you find out you are working as much for Uncle Sam as for yourself.

I will give you an example. A self-employed individual who has a taxable income of $30,000 is in a 20-percent marginal Federal income-tax bracket. I believe any additional dollar they make above $27,000, $28,000 is taxed at a 27-percent rate. That individual also has to pay what are commonly called FICA taxes, Social Security, and Medicare tax. That tax totals 15.3 percent. If you add 15.3 percent, plus the 27 percent, you get to 42.3 percent. So any additional dollar of income profits that the painter makes—I used to be a janitor—or a janitor makes, or someone who has some type of business, any profit they make above that $30,000, the Federal Government gets 42.3 percent of it.

If they are working in most States, they end up paying a State income tax. There are a few States that do not have an income tax. Most States have an income tax of 6 or 7 percent.

If you add 7 percent on top of the 42.3 percent, you are already right at 50 percent in taxes on any additional dollar of income generated from their work. That is a real disincentive to build, grow, or expand. I have been there. I was there with a janitorial service, so it did not take me very long to realize, wait a minute, why should this business grow if we are going to be working more for the Government than we work for ourselves?

The President, talking about trying to accelerate the existing tax cuts that are on the books, is exactly right. It is a small reduction in marginal rates. Even at that, the rates are still much higher for upper income people, far higher than they were during the Clinton administration.

The President has also proposed making the child tax credit effective immediately. Several years ago, we passed, as part of the 1997 bill, a $500 tax credit per child. I was one of the sponsors of that. We passed that. That became law. That was good. In 2001, President Bush's first tax bill, we passed another $500 tax credit per child, but we phased it in over several years. In the first year, we gave a $100 tax credit. There is still $400 that becomes effective in the outyears.

What the President has proposed is, let's make that effective this year. I have heard some say: Wait a minute. The President's proposal doesn't do anything for people making $35,000 or $40,000 a year.

That is not true. If they have one child, it is $400. If they have three children, that is $1,200 more per year they get to keep.

So I urge my colleagues to look at the President's proposal because I think it is a positive change. Let's make that $1,000 tax credit per child effective this year, not $600, as is present law. Let's make it $1,000 this year. That will help families. That will help individuals who have children as dependents.

The President, as well, has also proposed making the marriage penalty elimination, that is now spread out over several years, effective immediately. The net impact of this is a great positive change for married couples, particularly married couples who have incomes in the range from $30,000 to $40,000 to $50,000, $55,000. They will be the biggest beneficiaries of this proposal because the changes that we made in 2001 in the Tax Code say that really what we should do, for a married couple, is double the 15-percent bracket for an individual.

I believe the figures are something like, an individual pays 15 percent on their taxable income up to about $27,750. But a couple pays 15 percent up to an income of about $46,400. So an individual pays 15 percent up to $27,750, but a couple pays—or another way of saying that is, anything above $27,750, an individual pays 27 percent, anything above $46,400, a couple has to pay 27 percent. So if they were taxed as individuals, they could have a combined income of $55,500 before they would go into the 27-percent tax bracket. What we did in eliminating the marriage penalty relief was, over some period of time, double that individual 15-percent bracket. So the couple would not have to pay 27 percent until they had income above $55,500. Right now, they pay about $10,000 or $12,000 of that at the 27-percent bracket instead of the 15-percent bracket. The net result is, you are talking about $1,200 in savings, tax savings for couples who have taxable incomes of $40,000 to $50,000. That is a pretty good change. If they have a couple kids, they get another $400 tax credit per child. So if you have four kids and a taxable income of $54,000, the way I am thinking, that is $1,600 and $1,200, so $2,800. It is a pretty significant reduction and savings for a married couple with four kids with a taxable income of $50,000 or $60,000. And it happens to apply to a lot of middle-income Americans.

So I compliment the President for his combination of changes where he wants to grow the economy. It helps married families. It helps families with kids. It helps taxpayers. And it helps eliminate a well-known double taxation in the Tax Code, the double taxation of dividends that are really at exorbitant rates, which discourages investment, which discourages corporate ownership, which discourages equity, and encourages debt, which is not a very good policy—present law.

The President says, let's correct it. I think he is right in doing so. I look forward to working with my colleagues to see if we can't work in a bipartisan fashion to put together a real package that will help grow jobs this year.

I think that should be our challenge, not to say, here is the Democrat package, here is the Republican package. I say let's work together as we have

done historically in the Finance Committee to see if we can't pass something good for America, good for American taxpayers and good for American families and good for our economy.

We should have our economy grow. Revenues declined last year by 7 percent. Somebody said, why is there a deficit? There is a deficit because of the tax cut?

The deficit is not because of the tax cut. It is because there has been a real recession. Revenues have declined because the stock market started declining dramatically in March of 2000. The Nasdaq index was at 5,000. It is around 1,500, 1,600 now. So you see there has been a real decline in markets. That has caused a real decline in revenues to the Government.

We need to do some positive things that will increase equity values and increase ownership in America's companies, that will create jobs, that will create real growth in the economy. The President has outlined a constructive package. I look forward to working with the President and my colleagues to enact a positive package for America this year.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

THANKING SUPPORTERS AND UNEMPLOYMENT COMPENSATION

Ms. LANDRIEU. Mr. President, I rise to spend a few minutes this afternoon commenting on the debate that is before the Senate, our challenge to shape an unemployment compensation package or relief package that will help workers and do what is right by them.

Before I do, I wish to take a moment to thank many people, many friends, many family members who are gathered in Washington and at home in Louisiana and around the country for their support, their prayers, and their help in the recent election cycle. I am back in the Senate at work in large part because of so many wonderful people who went beyond the call of duty, beyond what is expected and believed in what our campaign represented and what we spoke about and what I spoke about—putting the interests of Louisiana first as it comes to representing that great State in this body, speaking about the issues people all over the Nation are concerned about, primarily the economy, keeping their families, their homes, their hearth together, protecting the Nation from the threat of terrorism, and shoring up our defenses against the great challenges before the Nation.

I said many times over those months that it was important for us to speak the truth, that what Washington needed was leaders, not labels; that while we were proud of our parties respectively, we should not follow them blindly but should try to, as our new leader from Tennessee spoke this morning, put the country first. I hope his words and agenda and the words and agendas that come out of the Senate, fashioned by the men and women now in this body, will put the country first, will think about the fathers and mothers, the children, the workers who make up America, who are attempting as a nation, together, unified, black and white, Hispanic, Asian, and many other nationalities from all over the world, to speak with one voice to help lead this world in a challenging time.

I thank particularly my husband and two children, the many members of my family, my parents, brothers and sisters and cousins. I joke often in Louisiana that one of the reasons I win is because if my family just votes for me, that is so many votes I always have a little advantage over my opponent. But truly, their votes, their work, and their prayers were noted in my heart today.

I couldn't think of a better way to thank the people of Louisiana and the Nation than to actually be on the floor of the Senate speaking about an issue important to them and taking a few minutes out of the festivities, as we all celebrate our return, our victories, large and small, to the Senate and to Washington, new assignments, et cetera, to spend a moment speaking about the unemployment insurance program and the desperate need of people in this country.

We have not seen unemployment rates this high in so many years. We have not seen a downturn in the economy such as this in so many years. I rise to speak for a moment about the great need, as we fashion a stimulus package, as we fashion an aid package, not a charity package, not a handout package, but a hand up package, a package not to people who are undeserving, a package not to people who don't work, a package not to people who don't want to work, but a stimulus package that honors the strength of America, the fact that people are working not just one job in many cases but two and three jobs, in this time of uncertainty, moving from job to job, people doing whatever it takes to keep that mortgage paid, to keep their car notes paid, to invest in the tools and resources they need to keep their families together and keep their net worth growing, not decreasing.

That has been a challenge for average Americans. It has been a challenge for everyone, as many people have seen their retirements shrink, not through any fault of their own. Every one realizes there is risk associated with investment. But I am sure the workers from Enron and WorldCom and others affected all over our country would have reason to stand on the floor of the Senate, if they could get here, and say, listen, some of this was out of my control or my ability to manage or regulate.

Some of it was done, as we know, fraudulently and without respect for the law. Frankly, maybe Congress didn't have as tight reins on some of these situations as we should have. So there are Americans who are angry and anxious and frustrated. I most certainly appreciate that. Having just come off a long and grueling campaign, I heard from many of these workers in Louisiana.

Here we are, the first day, trying to fashion a package. I have listened to people talking about the program. I want to explain the unemployment insurance program. First, there is $26 billion in the trust fund. It is a program, an enterprise established for the purposes of helping Americans when they need help. It is not a welfare or a charity program. There are certain times when welfare is good. And all the time, charity is good. But we are not talking about charity. We are talking about money that workers from their pockets put into a trust fund that grows with interest so when the economy turns down, they can, if the Members of Congress say it is OK, pull that money down, put it in their pocket, pay their car note, which makes the car dealer happy, pay their house note, which makes the banker happy, pay their loan to the credit card companies, which makes them happy, pay their money to the credit union that keeps the credit unions going, pay the grocery store, pay the gas bill, pay the cleaners to keep the small businesses going. Does anybody think these unemployment checks go in the bank just sitting there waiting to be invested?

I hope not, because people who have worked hard at a $50,000, $60,000, $70,000 job, who went to school sometimes late at night to get their skills, studied after putting their children to bed, way into the night, and worked hard to get those skills, now look to Washington to help.

We have people on this floor who talk about this as if it is a charity program. These people are due, number one, the money they put in the trust fund. Number two, it is not their fault that unemployment is 6, 7, or 8 percent. It is our fault, if it is anybody's fault, because we are not managing the situation well enough—not that it can be perfectly done, but it hasn't happened yet. It most certainly is not the fault of the workers who have been laid off. They came not to ask for money that belongs to somebody else, but to ask us to give them their money so they can get through this hard time.

We have to listen to House Republican leaders tell us that there is not enough money in the trust fund, when there is $26 billion in the trust fund, and we are arguing about whether we want something that costs $1 billion or $4 billion. And if we weren't spending the unemployment trust fund now, when would we spend it?

So for the 1.6 million full-time workers in Louisiana, for the 303,000 part-

time workers in Louisiana, for the 1.085 million workers in Louisiana who work on an hourly wage, and for the 42,000 workers in Louisiana who work at the minimum wage, $5.15—I will repeat that—$5.15—because this President and the Republican leadership refuse to increase the minimum wage, so these workers are working at $5.15 an hour because this President refuses to raise the minimum wage, or to support a raise in the minimum wage—we are going to tell these people that while there is $26 billion in the trust fund, we choose not to ''expand'' the program.

Let me register my strongest objection to that, and let me on behalf of the 4.5 million people in my State register their strong objection to that and say how disappointed they are that this administration and the House Republican leadership refuse to give them the money they put in the fund so when times went bad they would have it to keep paying their house note, so they didn't lose all the equity they have spent the last 20 years of their lives working for.

Let me also object to the sentiment expressed too often on this floor that we have to give people an incentive to work. I don't know too many people who don't want to work. I really don't. Whether they work for a paycheck or stay at home raising seven children, or nine children, or four children, they work very hard. I don't know too many Americans who don't want to work because with work comes dignity, with work comes self-satisfaction, with work comes thinking that you are doing something to help yourself and your family and your country. I know that a job or a small business is what most people aspire overwhelmingly to. But when that small business or that job slips out of their hands, not because they didn't do a great job or because they don't enjoy working, but because the company and because the policies that we are managing have come short, and we hand them that pink slip and we say, go for it, you have 13 weeks to find another job—a job having the same benefits and salary—and when it runs out, we might consider giving you another 13 weeks, we have to look people in the eye and say I am sorry, there is no more help—when there is $26 billion sitting in this account.

So I wanted to register my strongest objection to leaving out a portion of these workers and to say for the workers in my State that I am going to be here now for 6 years fighting for them, talking for them. I hope I can do it adequately to meet how worthy they are. I am going to do my very best to represent them in as forceful and effective way possible on this and many other issues.

Let me close with giving a few concrete suggestions. If we are going to have a stimulus package, let's be truthful and honest about the portions of it that will actually stimulate the economy and those that might stimulate our conference next election time. I ask the administration to relook at their package. Why don't we have the payroll tax holiday? The payroll tax holiday has been judged by conservative and liberal think tanks to be one of the most effective, immediate stimuli we can provide for the Nation. The money doesn't have to come out of the Social Security trust fund. It can come out of the general fund, based on payroll taxes. It is fair to every worker—the very wealthy, the middle income, and the poor. It rewards the idea of work. It is immediate and it is $1,500 per family. That $1,500 could be used immediately in this economy to give people confidence and to prime the pump, if you will.

The Social Security offset—again, putting money into the hands of workers, retirees, people who have worked hard now, instead of getting both their full retirement checks—teachers in many instances are offset by their Social Security benefits—what good does that do if we can provide both, which we have the money to do, which is less expensive than this package, and give them both of those checks.

Those people are in a time of their life when they are spending that money—not saving it, but spending it to live. That primes the pump in this Nation, as well as everything we can do to give depreciation for real estate, which would help in investments, and accelerating tax reductions for small business owners. But anything outside of that is actually nothing but stimulating some other special interests for other purposes, other than, in my opinion, strengthening this economy. That is wrong.

I hope Congress and this Senate will work hard to fashion a stimulus package that is truly stimulative, affordable, financially responsible, and something that really helps all people, and not just those at the very top, but those who count on us to do our part to help them do what they are trying to do for their families and their communities.

Mr. President, I am here giving my strongest support for moving forward with the unemployment compensation benefits, but very disappointed—extremely disappointed—that over a third to a half of workers in this Nation have been left out, and to say that we should include everyone, and we should focus on making the program better and more effective so that it is more helpful. I will tell you $182 a week, or $250 a week—the average payment in Louisiana—doesn't go far. You cannot even pay a grocery bill for a family with three or four children with $200 a week. I don't know where you get gas money, rent money, or mortgage payments on top of that. So this Congress has a lot to do when it comes to reforming, reshaping, revitalizing, and redesigning the unemployment insurance program for this Nation. I hope to be a part of that. But for today, extending that benefit—at least for all the workers who deserve it—again, it is not our money; it is theirs. They worked hard for it. There is $26 billion in the trust fund and we should give it to them.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Ms. LANDRIEU. Mr. President, I ask that the time be equally charged to both sides.

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

Ms. LANDRIEU. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLARD. 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. ALLARD. Mr. President, we also are in morning business; is that correct?

The PRESIDING OFFICER. That is correct.

The Senator from Colorado is recognized.

Mr. ALLARD. I thank the Chair.

(The remarks of Mr. ALLARD pertaining to the introduction of S. 98 are located in today's RECORD under ''Statements on Introduced bills and Joint Resolutions.'')

THE MISSING MILLION

Mr. GRASSLEY. Mr. President, I am happy we were able to get an extension of unemployment compensation earlier today so there is a seamless flow of checks from December 28 through the period of our new legislation. If we had not completed it today, and hopefully in the House tomorrow and with the President's signature on Thursday, there would have been a lapse of those checks. We could have gone back and made up the difference but there still would have been a period of time that unemployed people would not get checks. I know there was a lot of concern on the other side of the aisle that we were trying to pass this too quickly. I am glad they backed down and allowed us to move ahead.

During the debate that took the form of reserving the right to object, there were a number of statements made about what they wanted to do. I take the opportunity to clarify the record of what my Democratic colleagues were really talking about. A number of colleagues have made the statement that the unemployment extension we passed earlier today leaves out a million workers.

Under the regular State unemployment program—and this is under longstanding law—workers are entitled to as much as 26 weeks of unemployment benefits. Under the temporary federally funded unemployment program that Congress passed last March, which we are continuing now, those who exhaust their State regular unemployment benefits can receive up to 13 weeks of additional benefits. In addition, the program we passed last March provided up to 13 weeks of yet more benefits in extremely high unemployment States. In those high unemployment States, that means a maximum of 26 weeks of Federal benefits on top of the usual 26 weeks of State benefits. I repeat, workers in every State can collect 39 weeks of benefits—26 weeks State, plus 13 weeks Federal. And workers in high unemployment States can collect 52 weeks of benefits—26 weeks of State benefits and 13 weeks Federal, plus an additional 13 weeks for unemployed people in the high unemployment States.

As we discussed, the bill we passed earlier today would allow more than 2 million workers to collect extended benefits through May of this year. According to some of my Democratic colleagues, that is not enough. They want to let workers who have collected 26 weeks of regular State benefits plus 13 weeks of federally funded benefits collect an additional 13 weeks of benefits, for a total of 52 weeks of benefits for everyone, every place, regardless of the unemployment rate of a particular State. In other words, the agreement we reached last March to provide up to 9 months of benefits in every State, and 12 months of benefits in high unemployment States, is no longer good enough as indicated by the debate of my colleagues on the other side of the aisle earlier this afternoon. They want 12 months of benefits for everyone in every State regardless of whether unemployment is going up or going down.

They claim extending last year's agreement leaves out a million workers. I respectfully disagree. Their proposal goes well beyond anything Congress has ever done. It provides 12 months of federally funded benefits to all workers in every State. While the national unemployment rate is higher than it was at this time last year, the unemployment rate in 20 States is now lower than it was a year ago.

Under current law, no one can receive more in federally funded benefits than they received in State benefits. In other words, those who collect 26 weeks of State benefits could also collect 26 weeks of federally funded benefits; but in those States that might have only 20 weeks of State benefits, then there would only be 20 weeks of federally funded benefits under current law. So there is a link between what we give in Federal benefits and State benefits. This link is designed to give States the ability to honor their unemployment program.

Although we have not seen the latest version, the Democratic proposal would break this link. By breaking the link, it would pay federally funded benefits without regard to the 26 week level of State benefits. This represents a very historic and unprecedented expansion of the unemployment program.

While we may need to revisit the issue of unemployment benefits later this year, it seems to me that we should carefully review this proposal before final action. In the meantime, we have had an opportunity to make sure that there is a seamless flow of checks from December 28, now, to those 750,000 unemployed people who would otherwise have had a lapse in receiving unemployment compensation, plus probably 2.5 million people connected with those respective families. And, for people on the other side of the aisle who think they have legitimacy and want to discuss these additional issues, the institution of the Senate is very prone towards hearing any idea that Senators want presented, having an environment or a forum for the presentation of that. So we probably will be forced to, and maybe ought to, review what the Democrats propose today. But we should not do it in an environment as we had today. If it had been adopted today, I am sure the House of Representatives would not have accepted it and, obviously, if we had gone to conference to work out the differences, no bill would have been presented to the President of the United States by Thursday—for his signature in time, then, to keep a seamless flow of unemployment checks.

So I am glad we were able to work this out. Obviously, as chairman of the Senate Finance Committee, I have to be open to discussion of any issues dealing with unemployment. I look forward to those discussions but in an environment that does not stall the flow of checks for people who are deserving of them, and that is those people who would have otherwise been cut off on December 28.

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

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

Mr. GRASSLEY. Mr. President, I will again suggest the absence of a quorum, but I ask the time be evenly charged against each side.

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

Mr. GRASSLEY. I now 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 the order for the quorum call be rescinded.

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

Mr. REID. Mr. President, we are going to have a vote in a short time. It is going to be a vote on adjourning the Senate. That is what the vote will be.

But in substance it is more than that. We have had a number of Senators here who have requested a vote on adjournment. The reason they have done that is because they believe they should be able to have a vote on unemployment benefits for the people who are not covered in the legislation we just passed. So let there be no mistake, even though this procedurally is a vote on adjourning the Senate, the substantive aspect of this vote is that people who vote to adjourn the Senate today at approximately 5 o'clock will be voting to not allow about 1 million people to have unemployment benefits.

That is what this is about. I have told my friend, my counterpart, that there are a number of people who believed a vote was inappropriate. There are people who have worked on both sides of the aisle not to have a vote today. But there are a number of people who believe the vote is important. I want to make sure, before that vote occurs at 5 o'clock, that people know what the purpose of the vote is.

Mr. MCCONNELL. Mr. President, with all due respect to my friend from Nevada, the motion to adjourn will have absolutely nothing to do with unemployment benefits. It is simply, in the judgment of this Senator, an ill-advised attempt to disrupt what is typically a ceremonial day. We have Members of the Senate who were sworn in today—some of them brand new, some of them for the second and third and fourth and fifth terms—who have family in town. They are scattered all about the Capitol and off the Capitol with receptions for their friends.

There is nothing, I would say, that the other side could do today on this issue that they could not do on Thursday on this issue. If they want to make a point on the subject, certainly that is always possible in the Senate, the Senate being the Senate.

But this is going to be extremely disruptive to the Members and their families. I am told by floor staff there is nothing we can do to prevent this vote, and so we will have it. But hopefully we will have it with enough notice to give our colleagues, who are scattered around town with their families and friends, an opportunity to come back and cast a completely unnecessary vote, which has nothing to do with anything other than whether or not we adjourn tonight.

Make no mistake about it, this is a meaningless vote. It is simply a procedural vote that we normally would not take at the end of the day. No effort to describe it otherwise would be sufficient to convince anyone that this is anything more than simply a motion to adjourn.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

DEPARTMENT OF HOMELAND SECURITY NOMINATIONS

Mr. FRIST. Mr. President, today the Senate received from the President the nominations for the positions of Secretary of Homeland Security and Deputy Secretary of Homeland Security. I understand that these nominations will be referred to the Committee on Governmental Affairs because at this time the primary responsibility of these two officials will be to implement the structural reorganization of disparate entities into this new agency. I understand that in the future nominations for various positions created by the Homeland Security Act of 2002 may be referred on the basis of the responsibilities of those officials at that time, and that the initial referral of these nominations will not serve as precedent binding the Chair in the future.

ADDITIONAL STATEMENTS

THE SALT RIVER PROJECT'S 100TH ANNIVERSARY

• Mr. KYL. Mr. President, my best wishes today go to the Salt River Project on the celebration of its centennial of service to the communities of central Arizona.

When the Salt River Project, or SRP, was created on February 7, 1903, Arizona was still a territory and the people who had settled its central desert valleys had just endured a period of devastating droughts. They knew the future of their farms, businesses, and families depended on securing a reliable supply of water. If they failed, they were sure to witness the continued withering of their farms and livelihoods.

With commitment, they banded together to form the Salt River Valley Water Users Association, later to become SRP. With courage, they mortgaged their lands as debt collateral for a federal loan that was granted under terms of the National Reclamation Act of 1902. And the result eight years later was the completion of a great monolithic stone dam that was named after the President, Theodore Roosevelt. It would be the first of other dams and water works built through partnership with SRP and federal and local governments to ensure the economic vitality of my native state.

Without Roosevelt Dam, Arizona's early communities could not have grown. Similarly, growth would not have continued without SRP's development and management of early hydropower resources and later leadership and partnership in constructing extensive generation and transmission systems to fuel Arizona's economy.

In the past century, SRP has become Arizona's largest water supplier and the third largest public power provider in the nation. It has gained a reputation as a utility with a record for service, safety, and commitment to the environment and human services. As SRP celebrates its centennial, it deserves recognition for its past achievements and for the important role it will continue to play in Arizona's advancement in the 21st century.•

TRIBUTE TO GOVERNOR FELIX CAMACHO AND LT. GOVERNOR KALEO MOYLAN

• Mr. BURNS. Mr. President, hafa adai and happy new year from our Nation's capital. It gives me great pleasure to congratulate Governor Felix Camacho and Lt. Governor Kaleo Moylan on their inauguration day as the seventh elected governor and lieutenant governor of Guam.

Guam's people have shown their patriotism to America time and time again Indeed, it is this allegiance, coupled with a rich island culture, that make Guam so unique in our American family and an integral and indispensable part of our nation. As incoming Chairman of the Appropriations Subcommittee on Interior and Related Agencies, I look forward to working with both the governor and lieutenant governor, as we tackle Guam's present challenges.

As they embark on rebuilding their community, some progress will be swift and dramatic. At other times, improvements may be slower and only with perseverance and diligent hard work will they be finally achieved. Together, Guam and Washington will overcome these challenges.

I join the people of Guam in congratulating Governor Felix Camacho and Lt. Governor Kaleo Moylan, once again, and I look forward to meeting and working with them to address their island's needs. For this reason and in order to memorialize this moment, I have submitted this letter to be published in the CONGRESSIONAL RECORD on January 7, 2003.•

RETIREMENT OF JERRY SONGY

• Mr. BOND. Mr. President, in 1998, the Senate passed the Internal Revenue Service Restructuring and Reform Act, which I strongly supported. This landmark legislation set the Internal Revenue Service, IRS, on a new course, one that most Members of this body would agree is the right one. Today, the IRS is much more focused on customer service and education to achieve compliance with the Nation's tax laws.

It takes more than a new law, however, to change the way an agency fulfills its mission. It takes talented people committed to those reforms in order to turn the words in the statute into reality. We all know the role that former Commissioner Charles O. Rossotti played in restructuring the agency, and I commend him again for his invaluable service to the IRS and the Nation.

Today, I rise to recognize one of Mr. Rossotti's key aides, Jerry Songy, who is retiring after 34 years of dedication to agency. In early 1998, Jerry was selected to lead an organizational modernization effort that was intended to transform the IRS into a more customer-focused organization. Jerry's contributions to this business-process reengineering effort have greatly improved the delivery of products and services to all of America's taxpayers, and small businesses and the self-employed taxpayers in particular.

In addition to serving as Executive Director, Modernization Design, Jerry was instrumental in the design of the Small Business/Self-Employed, SB/SE, operating division, which serves approximately 45 million small businesses and self-employed taxpayers. He was also a driving force in the creation of the Taxpayer Education and Communication, TEC, section and has led the SB/SE division in its outreach and education efforts to small business and self-employed taxpayers. As the former Chairman and Ranking Member of the Committee on Small Business and Entrepreneurship, I had the pleasure of working with Jerry in that capacity.

Through his efforts, the IRS has created innovative web site applications, multilingual CDs, and a series of web cast programs to assist taxpayers with their tax filing and payment responsibilities. The IRS has partnered with tax practitioner and payroll organizations, trade and professional organizations, educational institutions, and corporate America on joint tax education initiatives. In short, our constituents are seeing the tangible benefits of Jerry's hard work on behalf of small enterprises across the nation.

Jerry was born and raised in New Orleans, LA and graduated from Loyola University with a Bachelor of Science degree in Accounting. He has two sons, three grandchildren, and will be joined in retirement by his wife, Lea, who also has had a distinguished career with the IRS.

On behalf of the 45 million small businesses and self-employed taxpayers throughout the country that have benefitted from his hard work and dedication, I commend Jerry Songy for his exemplary contributions to public service.•

TRIBUTE TO BONNIE NICKOL

• Mrs. LINCOLN. Mr. President, I rise today to pay tribute to Bonnie Nickol of Little Rock, Arkansas, who has committed herself to helping working families in Arkansas through the Arkansas Single Parent Scholarship Fund.

Bonnie's first involvement with the scholarship fund came in 1997. The fund's director, Ralph Nesson, knowing of Bonnie's interest in education, introduced her to several of the people who benefit from this statewide network of scholarship programs that help single parents get the education they need to better provide for their families. Bonnie was touched by the efforts

of these women and men to raise children, hold steady jobs, and attend college—and she resolved to help.

And help she did. Upon learning that the Pulaski County Single Parent Scholarship Fund was able to offer only about 10 scholarships per year, and that many deserving single parents were being turned away due to a lack of funds and resources. Bonnie joined the board of directors and committed herself to expanding the program. From 1998 until 2002, Bonnie chaired the fund's board of directors. Under her leadership, the fund began to grow dramatically. In 1998, the fund awarded 16 scholarships worth a total of $8,000. By 2002, the fund was awarding 98 scholarships worth more than $63,000. That's an increase of 600 percent in just four years. On top of that, the amount of each scholarship awarded increased by $150, meaning that every recipient is now enjoying a more generous benefit than ever before. The Single Parent Scholarship Fund has also raised its profile by pursuing corporate and foundation grants and through private fund-raising events.

In addition to increasing the fund's size, Bonnie has spearheaded the effort to provide enhanced support services to scholarship recipients. Among these services are volunteer mentors and loaned computers to help ensure student success. In addition, Bonnie made a point of forging personal relationships with many of the scholarship recipients, meeting with each of them once per semester to encourage them and seek feedback; coordinating the selection process to ensure that scholarships are awarded in a fair, timely, and efficient manner; and continually working to improve service available to recipients.

These efforts are paying real dividends for the fund in terms of success. Since January 1998, an astonishing 94 percent of scholarship recipients have either graduated or are still in school working toward their degrees. Fifty-eight parents have graduated since 1998. That's a tremendous record of success, for which Bonnie and all of the other volunteers with the Arkansas Single Parent Scholarship Fund can be justifiable proud.

Bonnie Nickol will retire from the Arkansas Single Parent Scholarship Fund this year, and while her leadership will be sorely missed, others who share Bonnie's vision and commitment will most certainly follow. In the meantime, she continues to provide her valuable leadership and volunteer energy for a number of groups in Arkansas, including New Futures for Youth, the Jewish Federation of Arkansas, and the Artspace Artists Cooperative. But of all her contributions, her most impressive may be the work that she's done with the Arkansas Single Parent Scholarship Fund, work that has made it possible for dozens of single parents in Arkansas to get their degrees and improve their job prospects for the future. I salute Bonnie's efforts, and I hope that others will look to her as an example of how one person can lend their time, talents, and energy to make a difference in his or her community and in the lives of others.●

TRIBUTE TO FALLEN FIREFIGHTERS

● Mr. SMITH. Mr. President, on November 25, 2002, Oregonians were reminded once again what the whole nation witnessed on September 11, 2001, that the men and women who run into burning buildings when everyone else is running out, are true heroes.

For it was on November 25, 2002, when Randy Carpenter, Jeffrey Common and Chuck Hanners, all members of the Coos Bay Fire Department, gave their lives while protecting others, when the roof of a warehouse collapsed during a fire.

Randy Carpenter was a thirteen year veteran of the Coos Bay Fire Department. He was a mentor to many young firefighters, and was respected as a man of integrity and professionalism. Along with fighting fires, Randy built houses and taught emergency medical aid classes. He was a loving father to two daughters.

Like his father, Jeffrey Common was a volunteer member of the Coos Bay Fire Department. He worked in the tugboat business and was the devoted father of three young children.

Chuck Hanners was also a volunteer member of the Coos Bay Fire Department. He served as the manager of a retail sporting goods department, but always carried a scanner in his back pocket so he could rush to a fire whenever help was needed. He left behind a wife and six children.

At a very moving memorial service, which was attended by over 7,000 community members and delegations of firefighters from across Oregon and the Pacific Northwest, Chuck's 17-year-old son, Daniel, read from the Firefighter's Prayer. The last line of this prayer says, ''If according to fate, I am to lose my life, please bless with your hand my children and my wife.''

I join with countless other Oregonians in extending my prayers and condolences to the family, friends, and colleagues of these three courageous Oregonians. While I was not privileged to know Randy, Jeff, and Chuck, I know of the pride they took in serving as a first responder, and I know that in giving themselves for others, they made themselves special, not just to us, but to God. The Bible tells us that ''Greater love than this has no man than to lay down his life for his friends.'' Because God is love, we know He was there with them when they died, and that He is with them still.

One of America's most beautiful monuments to courage and unselfish service is the National Fallen Firefighters Memorial in Emmitsburg, MD. Flags at this Memorial were flown at half-staff in honor of Randy, Jeff and Chuck. And their names will also be added to a plaque at the monument, which stands near an eternal flame that represents the spirit of the firefighter, past, present, and future.

The holiday season was a tough one for many in Coos Bay, but I hope that community members can take solace in the fact that they are fortunate to live in a community and we are all fortunate to live in a country that produces individuals like Randy, Jeff, and Chuck, individuals who are willing every day to risk their life so others might be safe. May God Bless the men and women of the Coos Bay Fire Department, and all fire department across the country, and may God Bless America.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

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

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

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1. A communication from the Under Secretary of Defense, Acquisition, Technology and Logistics, transmitting, pursuant to law, the National Defense Stockpile (NDS) Annual Materials Plan (AMP) to increase the quantities of celestite and quinidine available for disposal; to the Committee on Armed Services.

EC–2. A communication from the Under Secretary of Defense, transmitting, the report entitled Selected Acquisition Reports for the quarter ending September 30, 2002; to the Committee on Armed Services.

EC–3. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report relative to the transportation of Chemical Warfare Agent from Pine Bluff Arsenal, Arkansas, to Aberdeen Proving Grounds, Maryland; to the Committee on Armed Services.

EC–4. A communication from the Deputy Assistant Secretary for Program Operations, PWBA, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Class Exemption to Permit Certain Transactions Identified in the Voluntary Fiduciary Correction Program'' received on November 25, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–5. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report entitled ''Department of Defense Annual Implementation Report''; to the Committee on Governmental Affairs.

EC–6. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, a report entitled ''U.S.

Office of Personnel Management's Annual Report to Congress on Veterans' Employment in the Federal Government''; to the Committee on Veterans' Affairs.

EC–7. A communication from the Assistant Secretary of Commerce for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Exports and Re-exports to the Federal Republic of Yugoslavia: Lifting of U.N. Arms Embargo-Based Contents; Clarification of U.N. Arms Embargo-Based Controls on Rewards'' received on November 18, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–8. A communication from the President, transmitting, pursuant to law, the report relative to the aggregate number, locations, activities, and lengths of assignment for all U.S. military personnel and civilians retained as contractors involved in the anti narcotics campaign in Columbia; received on November 14, 2002; to the Committee on Appropriations.

EC–9. A communication from the Director of Congressional Affairs, Central Intelligence Agency, transmitting, pursuant to law, the report of a nomination confirmed for the position of General Counsel of the Central Intelligence Agency, received on November 25, 2002; to the Committee on Indian Affairs.

EC–10. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary, Tax Policy, received on November 18, 2002; to the Committee on Finance.

EC–11. A communication from the Attorney/Advisor, Bureau of Transportation Statistics, transmitting, pursuant to law, the report of vacancy of the position of Director, received on December 1, 2002; to the Committee on Commerce, Science, and Transportation.

EC–12. A communication from the General Counsel, Department of Commerce, transmitting, the report relative to the reauthorizing the programs of the Technology Administration and the National Institute of Standards and Technology and to make a number of improvements to the Advanced Technology Program and the Manufacturing Extension Partnership Program and Technical Amendments, received on October 28, 2002; to the Committee on Commerce, Science, and Transportation.

EC–13. A communication from the General Counsel, Department of Commerce, transmitting, the report of a draft bill entitled ''The Hydrographic Services Amendments Act of 2002'' received on October 28, 2002; to the Committee on Commerce, Science, and Transportation.

EC–14. A communication from the Director, Office of Personnel Manager, transmitting, the report of a legislative proposal entitled ''Postal Civil Service Retirement System Funding Reform Act of 2002'' received on November 12, 2002; to the Committee on Governmental Affairs.

EC–15. A communication from the Secretary of the Interior, transmitting, the report of a bill ''to authorize the Secretary of the Interior to assist in the implementation of fish passage and screening facilities and habitat improvements at non-Federal water projects and on non-Federal lands when required for a Federal reclamation project in the Columbia River Basin to comply with the Endangered Species Act'' received on October 30, 2002; to the Committee on Energy and Natural Resources.

EC–16. A communication from the President, transmitting, pursuant to law, the report relative to the Reorganization Plan for the Department of Homeland Security providing information concerning the elements identified in section 1502(b), received on December 2, 2002; to the Committee on Governmental Affairs.

EC–17. A communication from the Special Assistant to the President and Director, Office of Administration, transmitting, pursuant to law, the report of personnel employed in the White House Office, the executive Residence at the White House, the Office of the Vice-President, the Office of the Policy Development (Domestic Policy Staff) and the Office of Administration, received on December 2, 2002; to the Committee on Governmental Affairs.

EC–18. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, the report entitled Inspector General Semiannual Report to Congress and Management Response, received on December 1, 2002; to the Committee on Governmental Affairs.

EC–19. A communication from the Chair, Farm Credit System Insurance Corporation, transmitting, pursuant to law, the report addressing the Federal Managers' Financial Integrity Act, received on November 25, 2002; to the Committee on Governmental Affairs.

EC–20. A communication from the Executive Director, Office of Navajo and Hopi Indian Relocation, transmitting, pursuant to law, the report of the Agency in accordance with the requirements of the Federal Manager's Fiscal Integrity Act of 1982, and the Inspector General Act of 1988, received on November 25, 2002; to the Committee on Governmental Affairs.

EC–21. A communication from the Chair, Christopher Columbus Fellowship Foundation, transmitting, pursuant to law, the report relative to the Fiscal Year 2002 on the Foundations' Audit and Investigative Activities; to the Committee on Governmental Affairs.

EC–22. A communication from the Senior Deputy Chairman, National Endowment of the Arts, transmitting, pursuant to law, the Semiannual Report of the Inspector General and the Chairman's Semiannual report on the final action for the National Endowment of the Arts for the period of April 1, 2002 through September 30, 2002; to the Committee on Governmental Affairs.

EC–23. A communication from the Senior Deputy Chairman, National Endowment of the Arts, transmitting, pursuant to law, the report entitled National Endowment for the Arts 2002 FAIR Act inventory of activities; to the Committee on Governmental Affairs.

EC–24. A communication from the Secretary of Treasury, transmitting, pursuant to law, the Department of Treasury's Performance and Accountability Report for Fiscal Year 2002, received on December 1, 2002; to the Committee on Governmental Affairs.

EC–25. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report of a bill entitled ''Carl Wilson Basketball Court Designation Act of 2002''; to the Committee on Governmental Affairs.

EC–26. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report of a bill entitled ''Mandarin Oriental Hotel Project Tax Deferral Act of 2002''; to the Committee on Governmental Affairs.

EC–27. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report of a bill entitled ''Government Sport Utility Vehicle Purchasing Amendment Act of 2002''; to the Committee on Governmental Affairs.

EC–28. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report of a bill entitled ''Prostate Cancer Screening Insurance Coverage Requirement Act of 2002''; to the Committee on Governmental Affairs.

EC–29. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report of a bill entitled ''Square 456 Payment in Lieu of Taxes Act of 2002'', to the Committee on Government Affairs.

EC–30. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report of a bill entitled ''Department of Insurance and Securities Regulation Procurement Amendment Act of 2002''; to the Committee on Governmental Affairs.

EC–31. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report of a bill entitled ''Motor Vehicle Definition Electric Personal Assistive Mobility Device Exemption Amendment Act of 2002; to the Committee on Governmental Affairs.

EC–32. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report of a bill entitled ''District of Columbia Flag Adoption and Design Act of 2002''; to the Committee on Governmental Affairs.

EC–33. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report of a bill entitled ''Medical Support Establishment and Enforcement Temporary Amendment Act of 2002; to the Committee on Governmental Affairs.

EC–34. A communication from the Executive Director, Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the report of a bill entitled ''The Audit Report Issued During the Fiscal Year 2002 Regarding the Thrift Savings Plan''; to the Committee on Governmental Affairs.

EC–35. A communication from the Acting Special Counsel, transmitting pursuant to law, the report on Agency Management of Commercial Activities; to the Committee on Governmental Affairs.

EC–36. A communication from the Director, Trade and Development Agency, transmitting, the report relative to the audit and internal management activities; to the Committee on Governmental Affairs.

EC–37. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, the report relative to the Annual Inventory of the Commercial Activities of NASA; to the Committee on Governmental Affairs.

EC–38. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, the report relative to the Annual Inventory of the Commercial Activities of NASA; to the Committee on Governmental Affairs.

EC–39. A communication from the Employment Service, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Excepted Service—Schedule A Authority for Nontemporary Part-Time of Intermittent Positions''; to the Committee On Governmental Affairs.

EC–40. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, Monterey Bay Unified Air Pollution District, Ventra County Air Pollution Control District'' received on December 4, 2002; to the Committee on Environment and Public Works.

EC–41. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a bill entitled ''National Emission Standards for Hazardous Air Pollutants: Municipal Solid

Waste Landfills'' received on December 4, 2002; to the Committee on Environment and Public Works.

EC–42. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protecting Agency, transmitting, pursuant to law, the report of a rule entitled ''New Jersey: Final Authorization of State Hazardous Waste Program Revision'' received on December 4, 2002; to the Committee on Environment and Public Works.

EC–43. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a bill entitled ''Prevention of Significant Deterioration (PSB) and Nonattianment New Source Review (NRS): Baseline Emissions Determination, Actual-to-future-actual Methodology, Plantwide Applicability Limitations, Clean Units, Pollution Control Projects'' received on December 4, 2002; to the Committee on Environment and Public Works.

EC–44. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation on Plans for the State of Montana; Revisions to the Administration Rules of Montana'' received on November 18, 2002; to the Committee on Environmental and Public Works.

EC–45. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Indiana'' received on November 18, 2002; to the Committee on Environmental and Public Works.

EC–46. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Plan for Designated Facilities and Pollutants; State of Mississippi'' received on November 18, 2002; to the Committee on Environment and Public Works.

EC–47. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a bill entitled ''Revisions to the California State Implementation Plan, Imperial County Air Pollution Control District'' received on November 18, 2002; to the Committee on Environment and Public Works.

EC–48. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; One Hour Ozone Attainment Demonstration for the Massachusetts portion of the Boston-Lawrence-Worchester, MA-NH Ozone Nonattianment Area'' received on November 18, 2002; to the Committee on Environment and Public Works.

EC–49. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; New Hampshire; One-hour Ozone Attainment Demonstration for the New Hampshire Portion of the Boston-Lawrence-Worcester, MA-NH Ozone Nonattainment Area'' received on December 2002; to the Committee on Environmental and Public Works.

EC–50. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a bill entitled ''Approval and Promulgation of the Implementation Plans for Texas: Transportation Control Measures Rule'' received on December 2, 2002; to the Committee on Environment and Public Works.

EC–51. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Control of Air Pollution from New Motor Vehicles: Amendments to the Tier 2 Motor Vehicle Emission Regulations'' received on December 2, 2002; to the Committee on Environment and Public Works.

EC–52. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a bill entitled ''National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry'' received on December 2, 2002; to the Committee on Environment and Public Works.

EC–53. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District'' received on December 2, 2002; to the Committee on Environment and Public Works.

EC–54. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Withdrawal of Certain Federal Human and Health and Aquatic Life Water Quality Criteria Applicable to Vermont, the District of Columbia, Kansas and New Jersey'' received on December 2, 2002; to the Committee on Environment and Public Works.

EC–55. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Montana; State of Implementation Plan Correction'' received on December 2, 2002; to the Committee on Environment and Public Works.

EC–56. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Six Control Measures to meet EPA-Identified Shortfalls in Delaware's One-Hour Ozone Attainment Demonstration'' received on December 2, 2002; to the Committee on Environment and Public Works.

EC–57. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans and Operating Permits Programs; State of Missouri'' received on December 2, 2002; to the Committee on Environment and Public Works.

EC–58. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation Plans; State of Missouri'' received on December 2, 2002; to the Committee on Environment and Public Works.

EC–59. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Notice of Halting the Sanctions Clocks for the commonwealth of Virginia's Failure to Submit Required State Implementation Plan for the NOX SIP Call'' received on December 2, 2002; to the Committee on Environment and Public Works.

EC–60. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Designation of Areas for Air Quality Planning Purposes; Pennsylvania; Redesignation of the Allegheny County Carbon Monoxide Nonattainment Area and Approval of Miscellaneous Revisions'' received on December 2, 2002; to the Committee on Environment and Public Works.

EC–61. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Plan Designated Facilities and Pollutants; State of Mississippi'' received on December 2, 2002; to the Committee on Environment and Public Works.

EC–62. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''national Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production'' received on December 2, 2002; to the Committee on Environment and Public Works.

EC–63. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standard Benzene Waste Operations'' received on December 2, 2002; to the Committee on Environment and Public Works.

EC–64. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of the rule entitled ''Notice of Request for Initial Proposals (IPs) for Projects to be funded from the Water quality Cooperation Agreement allocation (CFDA 66.463—Water Quality Cooperation Agreements)'' received on December 2, 2002; to the Committee on Environment and Public Works.

EC–65. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revised Freedom of Information Act Regulations'' received on December 2, 2002; to the Committee on Environment and Public Works.

EC–66. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the Arizona State Implementation Plan, Pinal County Air Quality County Control district'' received on December 2, 2002; to the Committee on Environment and Public works.

EC–67. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Withdrawal of Federal Human Health and Aquatic Life Water Quality Criteria for Toxic Pollutants Applicable to Michigan'' received on December 2, 2002; to the Committee on Environment and Public Works.

EC–68. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revised Settlement Policy and Contribution Waiver Language Regarding Exempt De Micromis and Non-Exempt De Micromis Parties'' received on December 2, 2002; to the Committee on Environment and Public Works.

EC–69. A communication from the Acting Principal Deputy Associate Administrator,

Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Virginia; Repeal of Emission Standards for Perchloroethylene Dry Cleaning Systems'' received on December 2, 2002; to the Committee on Environment and Public Works.

EC–70. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Revisions to the Alabama Nitrogen Oxides Budget and Allowance Trading Program'' received on December 2, 2002; to the Committee on environment and Public Works.

EC–71. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Plans for Designated Facilities; Virgin Islands'' received on December 2, 2002; to the Committee on Environment and Public Works.

EC–72. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Primary Drinking Water Regulations: Minor Revisions to Public Notification Rule, Consumer Confidence Report Rule and Primary Rule'' received on December 2, 2002; to the Committee on Environment and Public Works.

EC–73. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled Revisions to Operating Permits Program in Washington'' received on December 2, 2002; to the Committee on Environment and Public Works.

EC–74. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report a rule entitled ''List of Approval Spent Fuel Storage Casks: VSC–24 Revision'' (RIN 3150–AH05) received on November 18, 2002; to the Committee on Environment and Public Works.

EC–75. A communication from Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Metropolitan Transportation Planning and Programming'' received on October 15, 2002; to the Committee on Environment and Public works.

EC–76. A communication from Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Design Build Contracting'' received on October 15, 2002; to the Committee on Environment and Public Works.

EC–77. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Locational Requirements for Dispatching of United States Rail Operations'' received on December 17, 2002; to the Committee on Environment and Public works.

EC–78. A communication from the Assistant Secretary for Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Five Carbonate Plants from the San Bernardino Mountains in Southern California'' received on December 17, 2002; to the Committee on Environment and Public Works.

EC–79. A communication from A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the commission's monthly report on the status of licensing and regulatory duties for September 2002; to the committee on Environment and Public Works.

EC–80. A communication from A communication from the Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for Lomatium cooki (Cook's Lomatium) and Limnanthes floccosa ssp. grandiflora (Large-flowered Wooly Meadowfoam) from Southern Oregon; Final Rule''; to the Committee on Environment and Public Works.

EC–81. A communication from the Director, Fish and wildlife Service, Department of Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Deindra Conjugens (Otay tarplant)'' received on December 17, 2002; to the Committee on Environment and Public Works.

EC–82. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the Superfund Five Year Review Report to Congress for Fiscal Years 1999–2001, received on November 25, 2002; to the Committee on Environment and Public Works.

EC–83. A communication from the Deputy Administrator, General Services Administration, transmitting, pursuant to law, the report entitled ''Reports of Building Building Projects Survey for the Federal Trade Commission building in Washington, DC''; to the Committee on Environment and Public Works.

EC–84. A communication from the Chairman, Commission on the Future of the United States Aerospace Industry, transmitting, pursuant to law, the report entitled ''Final Report of the Commission on the Future of the United States Aerospace Industry''; to the Committee on Commerce, Science, and Transportation.

EC–85. A communication from the Acting Director, Office of Sustainable Fisheries National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Annual Specifications and Management Measures; Trip limit Adjustments; Correction'' received on December 12, 2002; to the Committee on Commerce, Science, and Transportation.

EC–86. A communication from the Acting Director, Office of Sustainable Fisheries National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action 8-Closure of the Commercial Fishery from Humbug Mountain, OR, to the Oregon-California Border'' received on November 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–87. A communication from the Acting Director, Office of Sustainable Fisheries National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action 12-Adjustment of the Recreational fishery from the Queets River to Leadbetter point, WA (Westport Area)'' received on November 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–88. A communication from the Acting Director, Office of Sustainable Fisheries National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action 10-Adjustment of the Commercial Fishery from the U.S.-Canada Border to Cape Falcon, OR'' received on November 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–89. A communication from the Acting Director, Office of Sustainable Fisheries National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off the West Coast and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action 9-Closure and Reopening of the Recreational Fishery from Cape Falcon to Humbug Mountain, OR'' received on November 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–90. A communication from the Acting Director, Office of Sustainable Fisheries National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off the West Coast and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action 13-Adjustment of the Commercial Fishery from the U.S.-Canada border to Cape Falcon, OR'' received on November 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–91. A communication from the Acting Director, Office of Sustainable Fisheries National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Modification of a closure—re-opening of directed fishing by vessels using trawl gear in the Gulf of Alaska (GOA)'' received on November 1, 2002; to the Committee on Commerce, Science, and Transportation.

EC–92. A communication from the Acting Director, Office of Sustainable Fisheries National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Closure Notice for Maine Mahogany Fishery; Commercial Quota Harvested for 2002 fishing year'' received on November 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–93. A communication from the Acting Director, Office of Sustainable Fisheries National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Closure of Fishery for Loligo Squid'' received on November 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–94. A communication from the Acting Director, Office of Sustainable Fisheries National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fraser River Sockeye and Pink Salmon Fisheries; Inseason Orders'' received on November 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–95. A communication from the Acting Director, Office of Sustainable Fisheries National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Closure of the commercial fishery for king mackerel in the exclusive economic zone in the western zone of the Gulf of Mexico'' received on November 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–96. A communication from the Acting Director, Office of Sustainable Fisheries National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''NMFS is closing directed fishing for Pacific cod by vessels

using trawl gear in the Bering Sea and Aleutian Islands management area (BSAI). This Action is necessary to prevent exceeding the 2002 Pacific halibut bycatch allowance specified for the trawl Pacific cod fishery'' received on November 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–97. A communication from the Acting Director, Office of Sustainable Fisheries National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action 14-Adjustment of the Recreational Fishery from Leadbetter Point, WA to Cape Falcon, OR (Columbia River Area)'' received on November 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–98. A communication from the Acting Director, Office of Sustainable Fisheries National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries off the West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action 17-Adjustment of the Ceremonial and subsistence Harvest Regulations for the Ocean Salmon Fisheries of the Quileute Tribe'' received on November 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–99. A communication from the Acting Director, Office of Sustainable Fisheries National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries off the West Coast and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action 16-Adjustment of the Commercial Fishery from the Oregon-California Border to the Humboldt South Jetty'' received on November 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–100. A communication from the Acting Director, Office of Sustainable Fisheries National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries off the West Coast and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action 15-Closure of the Commercial Fishery from Humbug Mountain, OR to the Oregon-California Border'' received on November 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–101. A communication from the Acting Director, Office of Sustainable Fisheries National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries off the West Coast and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action 4-Adjustment of the Commercial fishery from the U.S.-Canada Border to Cape Falcon, OR'' received on November 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–102. A communication from the Chief, Regulations and Administration Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Regulated Navigation Areas: Long Island Sound Marine Inspection and Captain of the Port Zone (CGD01–01–187)'' received on November 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–103. A communication from the Chief, Regulations and Administration Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations (Including 2 regulations) [CGD08–02–030] [CGD08–02–031]'' received on November 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–104. A communication from the Chief, Regulations and Administration Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety and Security Zone Regulations; Lower Mississippi River, Miles 87.2 to 91.2, above Head of Passes, New Orleans, LA (COTP New Orleans 02–002)'' received on November 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–105. A communication from the Chief, Regulations and Administration Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations [including 7 regulations] ((RIN2115–AE47) (2002–0098))'' received on December 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–106. A communication from the Chief, Regulations and Administration Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: Northeast Cape Fear River, Wilmington, NC (CGD05–02–014]'' received on December 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–107. A communication from the Chief, Regulations and Administration Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Including 2 regulations [CGD07–02–144] [CGD07–021–45]'' received on December 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–108. A communication from the Chief, Regulations and Administration Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations: Ports of Jacksonville and Canaveral, FL (CGD07–02–148)'' received on December 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–109. A communication from the Chief, Regulations and Administration Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: Harlem River (CGD01–02–135)'' received on December 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–110. A communication from the Chief, Regulations and Administration Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations: Charleston Harbor, Cooper River, S.C. [COTP Charleston–02–146]'' received on December 17, 2002; to the Committee on Commerce, Science, and Transportation.

EC–111. A communication from the Chief, Regulations and Administration Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations: Drilling and Blasting Operations, Hubline Project, Captain of the Port Boston, Massachusetts [CGD01–02–131]'' received on December 10, 2002; to the Committee on Commerce, Science, and Transportation.

EC–112. A communication from the Chief, Regulations and Administration Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: New Rochelle Harbor, NY [CGD01–02–134]'' received on December 10, 2002; to the Committee on Commerce, Science, and Transportation.

EC–113. A communication from the Chief, Regulations and Administration Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations: San Pedro Bay, CA [COPT Los Angeles-Long Beach 02–004]'' received on December 12, 2002; to the Committee on Commerce, Science, and Transportation.

EC–114. A communication from the Chief, Regulations and Administration Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Regatta Regulations: Winterfest Boat Parade, Broward County, Fort Lauderdale, Florida [CGD07–02–122]'' received on December 17, 2002; to the Committee on Commerce, Science, and Transportation.

EC–115. A communication from the Chief, Regulations and Administration Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: Mississippi River, Clinton IA [CGD08–02–027]'' received on December 17, 2002; to the Committee on Commerce, Science, and Transportation.

EC–116. A communication from the Chief, Regulations and Administration Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: Hutchinson River, Eastchester Creek, NY [CGD01–02–138]'' received on December 17, 2002; to the Committee on Commerce, Science, and Transportation.

EC–117. A communication from the Chief, Regulations and Administration Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations: (Including 2 regulations) [CDG07–02–042] [COPT Los Angeles-Long Beach 02–006]'' received on December 17, 2002; to the Committee on Commerce, Science, and Transportation.

EC–118. A communication from the Assistant Administrator, Office of Oceanic and Atmospheric Research, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''NOAA Ocean Exploration Initiative, Fiscal Year 2003'' received on December 12, 2002; to the Committee on Commerce, Science, and Transportation.

EC–119. A communication from the Assistant Administrator, Office of Oceanic and Atmospheric Research, Department of Commerce, transmitting pursuant to law, the report of a rule entitled ''Joint Program Announcement on Climate Variability and Human Health for 2003'' received on December 12, 2002; to the Committee on Commerce, Science, and Transportation.

EC–120. A communication from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Tire Safety Information; Final Rule'' received on November 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–121. A communication from the Attorney-Advisor, Bureau of Transportation Statistics, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Reporting the causes of Airline Delays and Cancellations under 14 CFR Part 234'' received on November 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–122. A communication from the Trial Attorney, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Acceleration of Manufacturer's Remedy Program'' received on December 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–123. A communication from the Director, Office of Sustainable Fisheries, National

Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna; General category closure'' received on November 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–124. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species NOAA Information, Collection Requirements; Regulatory Adjustments; Technical Amendment'' received on November 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–125. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna; Quota transfers General category daily retention limit adjustment'' received on November 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–126. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna Opening of General category Atlantic Bluefin tuna New York Bight setaside fishery'' received on November 15, 2002; to the Committee on Commerce, Science, and Transportation.

EC–127. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of rule entitled ''National Parks Air Tour Management; Doc. No. FAA–2001–8690 [10–25/12–2]'' received on December 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–128. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Act Provisions; Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Experimental Setnet Sablefish landing to Qualify Limited Entry Sablefish Endorsed Permits for Tier Assignments'' received on November 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–129. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Monkfish Fishery Management Plan; Emergency Rule Extension'' received on December 1, 2002; to the Committee on Commerce, Science, and Transportation.

EC–130. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bell Helicopters Textron, Inc. Model 204B, 205A, 212, 214B, and 214B–1 Helicopters Doc. No. 2001–SW–42 [11–08–11–14]'' received on November 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–131. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Cessna Aircraft Company Models 208 and 208B Airplanes Doc. No. 2002–CE–23 [11–12–11–14]'' received on November 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–132. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Textron Lycoming AEIO–540, IO–540, LTIO–540, O–540, and TIO–540 Series Reciprocating Engines Doc. No. 2002–NE–31 [11–14–11–14]'' received on November 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–133. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Tubomeca Artouste III Series Turboshaft Engines Docket No. 99–NE–33 ((RIN 2120–AA64)(2002–0482))'' received on November 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–134. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Titeflex Corporation Doc. No. 2000 NE57 ((RIN 2120–AA64)(2002–0481))'' received on November 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–135. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Gulfstream Aerospace LP Model Galaxy and Gulfstream 200 Airplanes Doc. No. 2002–NM–265((2120–AA64)(11–13/11–14))'' received on November 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–136. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Moravan a.s. Models Z–243L and Z–242L, Airplanes CORRECTION Doc. No. 99–CE–71((RIN 2120–AA64)(2002–0476))'' received on November 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–137. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Eurocopter France model AS355N Helicopters Doc. No. 2002–SW–32 ((RIN 21220–AA64)(2002–0477))'' received on November 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–138. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Eurocopter France model EC 155B Helicopters Doc. No. 2002–SW–26((RIN212–AA64)(2002–0478))'' received on November 18, 2002; to the Committee on Commerce, Science and Transportation.

EC–139. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Request for Comments PIAGGIO Aero Industries S.P.A. Model P–180 Airplanes Doc. No. 2002–CE–48 ((RIN 2120–AA64)(2002–0484))'' received on December 18, 2002; to the Committee on Commerce, Science and Transportation.

EC–140. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (23) Amendment No. 3032 ((RIN2120–AA65)(2002–0061))'' received on December 17, 2002; to the Committee on Commerce, Science and Transportation.

EC–141. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (51) Amendment No. 3031 ((RIN2120–AA645)(2002–0060))'' received on December 17, 2002; to the Committee on Commerce, Science and Transportation.

EC–142. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Needles Airport; Needles, CA; Doc. No. 010–AWP–15 ((RIN2120–AA66)(2002–0181))'' received on November 18, 2002; to the Committee on Commerce, Science and Transportation.

EC–143. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revocation of restricted Area R–5207, Romulus, NY Doc. No. 02–AEA–17 ((RIN2120–AA66)(2002–0180))'' received on November 18, 2002; to the Committee on Commerce, Science and Transportation.

EC–144. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to using Agency for Restricted Area 2301W Ajo West, AZ Doc. No. 02–AWP–08 ((RIN 2120–AA66)(2002–0179))'' received on November 18, 2002; to the Committee on Commerce, Science and Transportation.

EC–145. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Ulyssess, KS Class E Airspace Area Doc. No. 02–ACE–11((RIN 2120–AA66)(2002–0182))'' received on November 18, 2002; to the Committee on Commerce, Science and Transportation.

EC–146. A communication from the Acting Under Secretary of Transportation for Security, Department of Transportation, transmitting, pursuant to law, the report relative to Federal Requirements concerning Federal Screening and Airport Security; to the Committee on Commerce, Science, and Transportation.

EC–147. A communication from the Acting Chairman, National Transportation Safety Board transmitting, pursuant to law, the report entitled ''2000–2001 National Transportation Safety Board Annual Report to Congress''; to the Committee on Commerce, Science, and Transportation.

EC–148. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting pursuant to law, the report of an interm rule relative to the Federal Acquisition Regulation (FAR) Supplement to revise the instructions for preparing NASA Form 1018, received on November 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–149. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule relative to Federal Acquisition Regulation (FAR) Supplement to require internal Agency clearance before authorizing contractor use of interagency fleet management system vehicle; to the Committee on Commerce, Science, and Transportation.

EC–150. A communication from the Chief, Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Marketing Assistance Loans and Loan Deficiency Payments for Peanuts, Pulse Crops, Wheat, Feed Grains, Soybeans and Other Oilseeds (RIN0560–AG72)'' received on December 12, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–151. A communication from the Chief, Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''7 CFR 1412–Direct and Counter-Cyclical Payments (RIN0560–AG71)'' received on November 25, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–152. A communication from the Chief, Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''2002 Farm Bill Regulations—Cooperative Marketing Associations; Cotton; Dairy; Honey (RIN0560–AG72)'' received on December 12, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–153. A communication from the Chief, Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''2002 Farm Bill Regulations—Cooperative Marketing Associations; Cotton; Dairy; Honey (RIN0560–AG72)'' received on December 12, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–154. A communication from the Administrator, Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Special Supplement Nutrition Program for Women, Infants and Children (WIC): Exclusion of Military Housing Payments, State Agency option to exclude housing allowances paid to military personnel for privatized on-base or off-base housing (RIN0584–AD34)'' received on November 25, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–155 A communication from the Congressional Review Coordinator, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitle ''Brucellosis: Testing of Rodeo Bulls—Doc. No. 01–095–2'' received on November 25, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–156. A communication from the Congressional Review Coordinator, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Exotic Newcastle Disease: Designation of Quarantined Area—Doc. No. 02–117–1'' received on December 10, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–157. A communication from the Congressional Review Coordinator, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Stall Reservations at Import Quarantine Facilities—Doc. No. 02–024–1'' received on December 10, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–158. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, the report of a rule entitle ''Coordinated Issue 'Basis Shifting' Tax Shelter'' received on December 4, 2002; to the Committee on Finance.

EC–159. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, the report of a rule entitled ''Rev. Proc. 2003–2'' received on December 17, 2002; to the

EC–160. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, the report of a rule entitled ''Revenue Ruling 2003–3—Accrual of State Tax Refunds'' received on December 17, 2002; to the Committee on Finance.

EC–161. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, the report of a rule entitled ''Captive Insurance—Group Captive'' received on December 17, 2002; to the Committee on Finance.

EC–162. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, the report of a rule entitled ''Deductibility of Insurance Premiums Paid to Brother-Sister Captive Insurance Company'' received on December 17, 2002; to the Committee on Finance.

EC–163. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, the report of a rule entitled ''Intercompany Transactions; Conforming Amendments to 446'' received on December 17, 2002; to the Committee on Finance.

EC–164. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, the report of a rule entitled ''Appeals Settlement Guidelines: Mining—Receding Face Deduction'' received on December 17, 2002; to the Committee on Finance.

EC–165. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, the report of a rule entitled ''Allocation of National Limitation for Qualified Zone Academy Bonds for Year 2003'' received on December 12, 2002; to the Committee on Finance.

EC–166. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, the report of a rule entitled ''D plus A Drop—Rev. Rul. 2002–85, 2002–52'' received on December 17, 2002; to the Committee on Finance.

EC–167. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, the report of a rule entitled ''Indirect Stock Transfer Notice—Rev. Rul. 2002–77, 2002–52'' received on December 17, 2002; to the Committee on Finance.

EC–168. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, the report of a rule entitled ''Modification of Revenue Procedure 2002–3—Rev. Rul. 2002–75'' received on December 17, 2002; to the Committee on Finance.

EC–169. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, the report of a rule entitled ''Captive Insurance—Rev. Rul. 2002–89'' received on December 17, 2002; to the Committee on Finance.

EC–170. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, the report of a rule entitled ''Notice 2003–1—Treatment of Certain Amounts Paid to 170(c) Organization Under Employer Leave-Based Donation Program'' received on December 17, 2002; to the Committee on Finance.

EC–171. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, the report of a rule entitled ''Licensing of Viatical Settlement Providers—Rev. Rul 2002–82'' received on December 9, 2002; to the Committee on Finance.

EC–172. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, the report of a rule entitled ''Revenue Ruling 2002–70'' received on December 4, 2002; to the Committee on Finance.

EC–173. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, the report of a rule entitled ''Weighted Average Interest Rate Update Notice'' received on December 4, 2002; to the Committee on Finance.

EC–174. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, the report of a rule entitled ''T.D. 9021—Loans From a Qualified Plan to Plan Participants and Beneficiaries'' received on December 4, 2002; to the Committee on Finance.

EC–175. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, the report of a rule entitled ''Composite method for loss discounting—Rev. Rul 2002–74'' received on December 4, 2002; to the Committee on Finance.

EC–176. A communication from the Regulations Coordinator, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Application of Inherent Reasonableness to all Medicare Part B Services (other than Physical Services)(CMS–1908–F)'' received on December 12, 2002; to the Committee on Finance

EC–177. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''The State Children's Health Insurance Program; a Summary Evaluation of States' Early Experience with SCHIP'' received on December 2, 2002; to the Committee on Finance.

EC–178. A communication from the Assistant Secretary of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Liability for Insurance Premium Excise Tax'' received on December 2, 2002; to the Committee on Finance.

EC–179. A communication from the Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, the second annual report of the Task Force on the Prohibition of Importation of Products of Forced or Prison Labor, received on December 12, 2002; to the Committee on Finance.

EC–180. A communication from the Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of Treasury, the report of a rule entitled ''Yadkin Valley Viticultural Area (2001R–88P)'' received on December 12, 2002; to the Committee on Finance.

EC–181. A communication from the Chairman, United States International Trade Commission, transmitting, pursuant to law, the Semi-annual Report of the Inspector General of the U.S. International Trade Commission for the period April 1, 2002 through September 30, 2002; to the Committee on Finance.

EC–182. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, agreements relative to treaties entered into by the United States under the Case-Zablocki Act; to the Committee on Foreign Relations.

EC–183. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the fiftieth report on the extent and disposition of the United States contributions to international organizations; to the Committee on Foreign Relations.

EC–184. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the report entitled ''Report of the Attorney General to the Congress of the United States on the Administration of the Foreign Agent Registration Act of 1938, as amended for the six months ending June 30, 2002'' received on December 6, 2002; to the Committee on Foreign Relations.

EC–185. A communication from the Deputy Congressional Liaison, Federal Reserve Board, transmitting, pursuant to law, the report of a rule entitled ''Regulations W—Transactions Between Member Banks and Their Affiliates'' received on December 2, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–186. A communication from the Deputy Secretary, Division of Investment Management, Office of Investment Advisor Regulations, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Exemption for Certain Investment Advisors Operating Through the Internet'' received on December 17, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–187. A communication from the Chairman, Board of Governors, Federal Reserve System, transmitting, pursuant to law, the Semiannual Report to Congress by the Board's Inspector General, to the Committee on Banking, Housing, and Urban Affairs.

EC–188. A communication from the Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report entitled ''Stimulating Smarter Regulations: 2002 Report to Congress on the Costs and Benefits of the Federal Regulations and Unfunded Mandates on State, Local, and Tribal Entitles'' received on December 20, 2002; to the Committee on Governmental Affairs.

EC–189. A communication from the Chairman, Office of the General Counsel, Federal Election Commission, transmitting, pursuant to law, the report of rule entitled ''Disclaimers, Fraudulent Solicitations, Civil Penalties, and Personal use of Campaign Funds'' received on December 10, 2002; to the Committee on Rules and Administration.

EC–190. A communication from the Acting Principal Deputy Associate Administrator, Office of the Administratior, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans, State of Utah; Utah County PM10, State Implementation Plan Revisions'' received on December 20, 2002; to the Committee on Environment and Public Works.

EC–191. A communication from the Acting Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Virginia: Reorganization of and Revisions to Administrative and General Conformity Provisions; Documents Incorporated by Reference; Recodification of Existing SIP Provisions'' received on December 20, 2002; to the Committee on Environment and Public Works.

EC–192. A communication from the Acting Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Air Quality Standard, Particulate Matter'' received on December 20, 2002; to the Committee on Environment and Public Works.

EC–193. A communication from the Acting Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Pollutant Discharge Elimination System Permit Regulations and Effluent Limitations Guidelines and Standards for Concentrated Animal Feeding Operations (CAFOs)'' received on December 20, 2002; to the Committee on Environment and Public Works.

EC–194. A communication from the Acting Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Protection of Stratospheric Ozone: Additional Reconsideration of Petition Criteria and Incorporation of Montreal Protocol Decisions'' received on December 20, 2002; to the Committee on Environment and Public Works.

EC–195. A communication from the Acting Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans for Kentucky: Air Permit Regulations'' received on January 2, 2002; to the Committee on Environment and Public Works.

EC–196. A communication from the Acting Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans North Carolina: Approval of Revisions top North Carolina State Implementation Plan: Transportation Conformity Rule and Interagency Memorandum of Agreements'' received on January 2, 2002; to the Committee on Environment and Public Works.

EC–197. A communication from the Acting Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; North Carolina: Nitrogen Oxides Budget and Allowance Trading Program'' received on January 2, 2002; to the Committee on Environment and Public Works.

EC–198. A communication from the Acting Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Pollutants Discharge Elimination System—Amendment of Final Regulations Addressing Cooling Water Intake Structures for New Facilities'' received on January 2, 2002; to the Committee on Environmental and Public Works.

EC–199. A communication from the Acting Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production'' received on January 2, 2002; to the Committee on Environment and Public Works.

EC–200. A communication from the Acting Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Ambient Air Quality Standards for Ozone: Final Response to Remand'' received on January 2, 2002; to the Committee on Environment and Public Works.

EC–201. A communication from the Acting Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Federal Plan Requirements for Small Municipal Waste Combustion Units Constructed on or Before August 30, 1999'' received on January 2, 2002; to the Committee on Environment and Public Works.

EC–202. A communication from the Acting Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Protection of Stratospheric Ozone: Allocation of Essential Use Allowances for Calendar Year 2003'' received on January 2, 2002; to the Committee on Environment and Public Works.

EC–203. A communication from the Acting Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Protection of Stratospheric Ozone: Allowance System for Controlling HCFC Production, Import and Export'' received on January 2, 2002; to the Committee on Environment and Public Works.

EC–204. A communication from the Acting Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NRS): Baseline Emissions Determination, Actual-to-Future-actual Methodology, Plantwide Applicability Limitations, Clean Units, Pollution Control Projects'' received on January 2, 2002; to the Committee on Environment and Public Works.

EC–205. A communication from the Acting Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Regulatory Innovations: Pilot-Specific Rule for Electronic Materials in the EPA Region III Mid-Atlantic States; Hazardous Waste Management System; Modification of the Hazardous Waste Program; Cathode Ray Tubes'' received on January 2, 2002; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES RECEIVED DURING SINE DIE ADJOURNMENT

Under the authority of the order of the Senate of November 15, 2002, the following reports of committees were submitted on December 20, 2002:

By Mr. GRAHAM, from the Committee on Intelligence:

Special Report entitled ''Joint Inquiry into Intelligence Community Before and After the Terrorist Attacks of September 11, 2001'' (Rept. No. 107–351). Additional Views filed. Printing will occur following declassification of classified portions.

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. DASCHLE (for himself, Mr. KENNEDY, Mr. BIDEN, Mr. LEAHY, Mr. LEVIN, Mr. ROCKEFELLER, Mr. LIEBERMAN, Mr. AKAKA, Mrs. MURRAY, Mr. DURBIN, Mr. SCHUMER, Mrs. CLINTON, Mr. CORZINE, Ms. STABENOW, Mr. JEFFORDS, and Mr. REID):

S. 6. A bill to enhance homeland security and for other purposes; to the Committee on the Judiciary.

By Mr. DASCHLE (for himself, Mr. ROCKEFELLER, Ms. STABENOW, Mr. SCHUMER, Mr. KENNEDY, Mrs. CLINTON, Mr. AKAKA, Mr. CORZINE, Mr. DURBIN, Ms. MIKULSKI, Mr. LEAHY, Mr. LEVIN, Mr. JOHNSON, Mr. REED, Mr. SARBANES, Mr. DAYTON, Mr. LAUTENBERG, and Mr. REID):

S. 7. A bill to amend title XVIII of the Social Security Act to provide coverage of outpatient prescription drugs under the medicare program and to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals, and for other purposes; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. KENNEDY, Mrs. MURRAY, Ms. MIKULSKI, Mr. DODD, Mr. BREAUX, Mr. JOHNSON, Mr. LEAHY, Mr. ROCKEFELLER,

Mr. LEVIN, Mr. DURBIN, Mr. SARBANES, Mrs. CLINTON, Mr. AKAKA, Mr. SCHUMER, Mr. BIDEN, Ms. STABENOW, Mr. CORZINE, Mr. DAYTON, Mr. LAUTENBERG, Mr. REID, and Mr. BAUCUS):

S. 8. A bill to encourage lifelong learning by investing in public schools and improving access to and affordability of higher education and job training; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. BINGAMAN, Ms. MIKULSKI, Mr. HARKIN, Mrs. CLINTON, Mr. ROCKEFELLER, Mrs. MURRAY, Mr. SCHUMER, Mr. DAYTON, and Mr. REID):

S. 9. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to protect the retirement security of American workers by ensuring that pension assets are adequately diversified and by providing workers with adequate access to, and information about, their pension plans, and for other purposes; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. KENNEDY, Ms. STABENOW, Mrs. CLINTON, Mr. SCHUMER, Mrs. MURRAY, Mr. CORZINE, Mr. DURBIN, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. LEVIN, Mr. ROCKEFELLER, Mr. AKAKA , Mr. JOHNSON, Mr. SARBANES, Mr. DAYTON, Mr. LAUTENBERG, Mr. LEAHY, Mr. REID, and Mr. PRYOR):

S. 10. A bill to protect consumers in managed care plans and other health coverage, to provide for parity with respect to mental health coverage, to reduce medical errors, and to increase the access of individuals to quality health care; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. LEAHY, Mr. KENNEDY, Mr. BIDEN, Mr. SCHUMER, Mr. DURBIN, Mr. EDWARDS, Mr. AKAKA, Mrs. CLINTON, Mr. CORZINE, Mr. DAYTON, Mr. HARKIN, Ms. LANDRIEU, Mr. LEVIN, Mr. LIEBERMAN, Ms. MIKULSKI, Mrs. MURRAY, Mr. ROCKEFELLER, Mr. SARBANES, Ms. STABENOW, Mr. LAUTENBERG, and Mr. REID):

S. 16. A bill to protect the civil rights of all Americans, and for other purposes; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. JEFFORDS, Mrs. FEINSTEIN, Mr. AKAKA, Mr. BIDEN, Mrs. CLINTON, Mr. CORZINE, Mr. DAYTON, Mr. DODD, Mr. KENNEDY, Mr. LIEBERMAN, Mr. LEAHY, Mrs. MURRAY, Mr. SCHUMER, Mr. LAUTENBERG, and Mr. REID):

S. 17. A bill to initiate responsible Federal actions that will reduce the risks from global warming and climate change to the economy, the environment, and quality of life, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. DODD, Mrs. CLINTON, Mr. LEAHY, Mr. ROCKEFELLER, Mr. BINGAMAN, Mrs. MURRAY, Mr. LEVIN, Mr. DURBIN, Mr. SARBANES, Mr. AKAKA, Mr. SCHUMER, Mr. REED, Mr. JOHNSON, Mr. BIDEN, Mr. CORZINE, Mr. DAYTON, Mr. LAUTENBERG, and Mr. REID):

S. 18. A bill to improve early learning opportunities and promote preparedness by increasing the availability of Head Start programs, to increase the availability and affordability of quality child care, to reduce child hunger and encourage healthy eating habits, to facilitate parental involvement, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DASCHLE (for himself, Mr. AKAKA, Mr. BAUCUS, Mr. BIDEN, Mr. BREAUX, Ms. CANTWELL, Mrs. CLINTON, Mr. CORZINE, Mr. DAYTON, Mr. DORGAN, Mr. DURBIN, Mr. HOLLINGS, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. LEAHY, Mr. LEVIN, Mrs. MURRAY, Mr. REID, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SCHUMER, and Ms. STABENOW):

S. 19. A bill to amend the Internal Revenue Code of 1986 and titles 10 and 38, United States Code, to improve benefits for members of the uniformed services and for veterans, and for other purposes; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. DODD, Mr. HARKIN, Ms. MIKULSKI, Mrs. MURRAY, Mr. EDWARDS, Mrs. CLINTON, Mr. AKAKA, Mr. BAYH, Mr. BIDEN, Mr. BYRD, Ms. CANTWELL, Mr. CARPER, Mr. CORZINE, Mr. DAYTON, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. KERRY, Mr. KOHL, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. REID, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SCHUMER, Ms. STABENOW, Mr. WYDEN, Mr. LAUTENBERG, Ms. LANDRIEU, Mrs. BOXER, and Mr. PRYOR):

S. 20. A bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DASCHLE (for himself, Mr. HARKIN, Mrs. CLINTON, Ms. MIKULSKI, Mr. SARBANES, Mr. LEVIN, Mr. HOLLINGS, Mr. SCHUMER, Mr. DORGAN, Mr. DURBIN, Mrs. MURRAY, Mr. DAYTON, Mr. JOHNSON, Mr. KERRY, Mrs. LINCOLN, Ms. CANTWELL, Mr. BAUCUS, Mr. EDWARDS, Ms. STABENOW, Mr. CONRAD, Mr. REID, Mr. BREAUX, and Ms. LANDRIEU):

S. 21. A bill to provide emergency disaster assistance to agricultural producers; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DASCHLE (for himself, Mr. LEAHY, Mr. BIDEN, Mr. KENNEDY, Mr. SCHUMER, Mr. DURBIN, Mrs. CLINTON, Mrs. MURRAY, Mr. DAYTON, Mr. CORZINE, and Mr. REED):

S. 22. A bill to enhance domestic security, and for other purposes; to the Committee on the Judiciary.

By Mr. FITZGERALD (for himself, Mrs. CLINTON, Mr. NICKLES, Ms. CANTWELL, Mr. SPECTER, Mr. KENNEDY, Ms. COLLINS, Mr. DASCHLE, Mr. GREGG, Mr. DURBIN, Mr. GRASSLEY, Mr. SARBANES, Mrs. BOXER, Mr. SCHUMER, Mr. BAUCUS, Mr. BAYH, Ms. MIKULSKI, Mrs. MURRAY, and Mr. NELSON of Florida):

S. 23. A bill to provide for a 5-month extension of the Temporary Extended Unemployment Compensation Act of 2002 and for a transition period for individuals receiving compensation when the program under such Act ends; considered and passed.

By Mrs. HUTCHISON:

S. 24. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income dividends received by individuals; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 25. A bill to amend the Internal Revenue Code of 1986 to provide that dividend income of individuals not be taxed at rates in excess of the maximum capital gains rate; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 26. A bill to amend the Internal Revenue Code of 1986 to provide that dividend and interest income of individuals not be taxed at rates in excess of the maximum capital gains rate; to the Committee on Finance.

By Mr. GRASSLEY (for himself, Mr. JOHNSON, Mr. ENZI, and Mr. HARKIN):

S. 27. A bill to amend the Packers and Stockyards Act, 1921, to make it unlawful for a packer to own, feed, or control livestock intended for slaughter; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. NELSON of Nebraska:

S. 28. A bill to amend the provisions of the Homeland Security Act of 2002 relating to the establishment of university-based centers for homeland security; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DAYTON:

S. 29. A bill to amend the Homeland Security Act of 2002 (Public Law 107–296) to provide that waivers of certain prohibitions on contracts with corporate expatriates shall apply only if the waiver is required in the interest of national security; to the Committee on Governmental Affairs.

By Mr. CAMPBELL (for himself and Mr. ALLARD):

S. 30. A bill to redesignate the Colonnade Center in Denver, Colorado, as the ''Cesar E. Chavez Memorial Building''; to the Committee on Environment and Public Works.

By Mr. CRAIG:

S. 31. A bill for the relief of Benjamin M. Banfro; to the Committee on the Judiciary.

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

S. 32. A bill to establish Institutes to conduct research on the prevention of, and restoration from, wildfires in forest and woodland ecosystems of the interior West; to the Committee on Energy and Natural Resources.

By Mrs. LINCOLN:

S. 33. A bill to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other land in the Ozark-St. Francis and Ouachita National Forests and to use funds derived from the sale or exchange to acquire, construct, or improve administrative sites; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. LINCOLN:

S. 34. A bill to amend the Internal Revenue Code of 1986 to provide for the immediate and permanent repeal of the estate tax on family-owned businesses and farms, and for other purposes; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. KENNEDY, Mrs. CLINTON, Ms. CANTWELL, Mr. BAUCUS, Mr. SMITH, Mr. DURBIN, Mr. SARBANES, Mr. REED, Mrs. BOXER, Mrs. MURRAY, Mr. BAYH, Ms. MIKULSKI, and Mr. NELSON of Florida):

S. 35. A bill to provide economic security for America's workers; to the Committee on Finance.

By Mr. FEINGOLD (for himself, Ms. COLLINS, and Mr. KOHL):

S. 36. A bill to amend title XVIII of the Social Security Act to eliminate the geographic physician work adjustment factor from the geographic indices used to adjust payments under the physician fee schedule, to provide incentives necessary to attract educators and clinical practitioners to underserved areas, and to revise the area wage adjustment applicable under the prospective payment system for skilled nursing facilities; to the Committee on Finance.

By Mr. McCONNELL (for himself and Mr. BUNNING):

S. 37. A bill to amend title II of the Social Security Act to permit Kentucky to operate a separate retirement system for certain public employees; to the Committee on Finance.

By Mr. VOINOVICH:

S. 38. A bill to designate the Federal building and United States courthouse located at 10 East Commerce Street in Youngstown, Ohio, as the ''Nathaniel R. Jones Federal

Building and United States Courthouse; to the Committee on Environment and Public Works.

By Mr. FEINGOLD (for himself and Ms. COLLINS):

S. 39. A bill to promote the development of health care cooperatives that will help businesses to pool the health care purchasing power of employers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FEINGOLD (for himself and Mr. JEFFORDS):

S. 40. A bill to prohibit products that contain dry ultra-filtered milk products or casein from being labeled as domestic natural cheese, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

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

S. 41. A bill to strike certain provisions of the Homeland Security Act of 2002 (Public Law 107-296), and for other purposes; to the Committee on Governmental Affairs.

By Mr. FEINGOLD:

S. 42. A bill to amend the Agricultural Adjustment Act to prohibit the Secretary of Agriculture from basing minimum prices for Class I milk on the distance or transportation costs from any location that is not within a marketing area, except under certain circumstances, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. FEINGOLD:

S. 43. A bill to allow modified bloc voting by cooperative associations of milk producers in connection with a referendum on Federal Milk Marketing Order reform; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. FEINGOLD (for himself and Ms. CANTWELL):

S. 44. A bill to amend the Internal Revenue Code of 1986 to repeal the percentage depletion allowance for certain hardrock mines, and for other purposes; to the Committee on Finance.

By Mr. FEINGOLD (for himself and Ms. COLLINS):

S. 45. A bill to make changes to the Office for State and Local Government Coordination, Department of Homeland Security; to the Committee on Governmental Affairs.

By Mr. CRAIG:

S. 46. A bill for the relief of Robert Bancroft of Hayden Lake, Idaho, to permit the payment of backpay for overtime incurred in missions flown with the Drug Enforcement Agency; to the Committee on Governmental Affairs.

By Mr. FEINGOLD (for himself, Mr. KOHL, and Mr. WYDEN):

S. 47. A bill to terminate operation of the Extremely Low Frequency Communication System of the Navy; to the Committee on Armed Services.

By Mr. FEINGOLD:

S. 48. A bill to repeal the provisions of law that provides automatic pay adjustments for Members of Congress; to the Committee on Governmental Affairs.

By Mr. FEINGOLD:

S. 49. A bill to reduce the deficit of the United States; to the Committee on Energy and Natural Resources.

By Mr. JOHNSON (for himself, Ms. COLLINS, Mr. REID, Mr. INOUYE, Mr. DORGAN, Mr. HARKIN, Mr. KERRY, Mr. DASCHLE, and Mr. BAUCUS):

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; to the Committee on Veterans' Affairs.

By Mr. JOHNSON:

S. 51. A bill to provide access and choice for use of generic drugs instead of nongeneric drugs under Federal health care programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WYDEN:

S. 52. A bill to permanently extend the moratorium enacted by the Internet Tax Freedom Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DURBIN (for himself and Mrs. CLINTON):

S. 53. A bill to amend the Internal Revenue Code of 1986 to allow small business employers a credit against income tax for employee health insurance expenses paid or incurred by the employer; to the Committee on Finance.

By Mr. SCHUMER (for himself, Mr. MCCAIN, Mr. EDWARDS, Ms. COLLINS, Mr. KENNEDY, Mr. MILLER, Mr. JOHNSON, Mrs. CLINTON, Mr. KOHL, Mr. FEINGOLD, Ms. STABENOW, Mr. DASCHLE, Mr. NELSON of Florida, Mr. ROCKEFELLER, Mr. LEAHY, Mr. REED, Mr. PRYOR, Mr. DURBIN, and Mr. DORGAN):

S. 54. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals; to the Committee on Health, Education, Labor, and Pensions.

By Mr. JOHNSON (for himself and Ms. COLLINS):

S. 55. A bill to amend title 38, United States Code, to modify the annual determination of the rate of the basic benefit of active duty educational assistance under the Montgomery GI Bill, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. JOHNSON:

S. 56. A bill to restore health care coverage to retired members of the uniformed services; to the Committee on Armed Services.

By Mr. INOUYE:

S. 57. A bill for the relief of Donald C. Pence; to the Committee on Veterans' Affairs.

By Mr. INOUYE:

S. 58. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for the conversion of cooperative housing corporations into condominiums; to the Committee on Finance.

By Mr. INOUYE:

S. 59. A bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft; to the Committee on Armed Services.

By Mr. INOUYE:

S. 60. A bill to amend title 10, United States Code, to authorize certain disabled former prisoners of war to use Department of Defense commissary and exchange stores; to the Committee on Armed Services.

By Mr. INOUYE:

S. 61. A bill to amend title VII of the Public Health Service Act to revise and extend certain programs relating to the education of individuals as health professionals, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INOUYE:

S. 62. A bill to amend title XVIII of the Social Security Act to remove the restriction that a clinical psychologist or clinical social worker provide services in a comprehensive outpatient rehabilitation facility to a patient only under the care of a physician; to the Committee on Finance.

By Mr. INOUYE:

S. 63. A bill to amend title XIX of the Social Security Act to provide for coverage of services provided by nursing school clinics under State medicaid programs; to the Committee on Finance.

By Mr. INOUYE:

S. 64. A bill to amend title XVIII of the Social Security Act to provide improved reimbursement for clinical social worker services under the medicare program; to the Committee on Finance.

By Mr. INOUYE:

S. 65. A bill to amend title VII of the Public Health Service Act to establish a psychology post-doctoral fellowship program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INOUYE:

S. 66. A bill to amend title 5, United States Code, to require the issuance of a prisoner-of-war medal to civilian employees of the Federal Government who are forcibly detained or interned by an enemy government or a hostile force under wartime conditions; to the Committee on Governmental Affairs.

By Mr. INOUYE:

S. 67. A bill for the relief of Jim K. Yoshida; to the Committee on Veterans' Affairs.

By Mr. INOUYE:

S. 68. A bill to amend title 38, United States Code, to improve benefits for Filipino veterans of World War II, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. INOUYE:

S. 69. A bill to require the Secretary of the Army to determine the validity of the claims of certain Filipinos that they performed military service on behalf of the United States during World War II; to the Committee on Veterans' Affairs.

By Mr. INOUYE:

S. 70. A bill to restore the traditional day of observance of Memorial Day, and for other purposes; to the Committee on the Judiciary.

By Mr. INOUYE:

S. 71. A bill for the relief of Ricke Kaname Fujino of Honolulu, Hawaii; to the Committee on the Judiciary.

By Mr. INOUYE:

S. 72. A bill to provide for a special application of section 1034 of the Internal Revenue Code of 1986; to the Committee on Finance.

By Mr. INOUYE:

S. 73. A bill to amend the Public Health Service Act to provide for the establishment of a National Center for Social Work Research; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INOUYE:

S. 74. A bill to amend title VII of the Public Health Service Act to make certain graduate programs in professional psychology eligible to participate in various health professionals loan program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INOUYE:

S. 75. A bill to amend the Public Health Service Act to provide health care practitioners in rural areas with training in preventive health care, including both physical and mental care, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DASCHLE (for himself, Mr. AKAKA, Ms. CANTWELL, Mr. DURBIN, Mr. FEINGOLD, Mr. KENNEDY, Ms. LANDRIEU, Mr. LEVIN, Mr. SARBANES, Mrs. CLINTON, Mr. DODD, Mr. JOHNSON, Mr. LEAHY, Mrs. MURRAY, Mr. REID, Mr. SCHUMER, Mr. BINGAMAN, and Mr. BREAUX):

S. 76. A bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INOUYE:

S. 77. A bill to amend title VII of the Public Health Service Act to ensure that social

work students or social work schools are eligible for support under the certain programs to assist individuals in pursuing health careers and programs of grants for training projects in geriatrics, and to establish a social work training program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INOUYE:

S. 78. A bill to amend title 38, United States Code, to revise certain provisions relating to the appointment of professional psychologists in the Veterans Health Administration, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. INOUYE:

S. 79. A bill to allow the psychiatric or psychological examinations required under chapter 313 of title 18, United States Code, relating to offenders with mental disease or defect, to be conducted by a clinical social worker; to the Committee on the Judiciary.

By Mr. INOUYE:

S. 80. A bill to recognize the organization known as the National Academies of Practice; to the Committee on the Judiciary.

By Mr. INOUYE:

S. 81. A bill to amend chapter 81 of title 5, United States Code, to authorize the use of clinical social workers to conduct evaluations to determine work-related emotional and mental illnesses; to the Committee on Governmental Affairs.

By Mr. INOUYE:

S. 82. A bill to amend the Internal Revenue Code of 1986 to exempt certain helicopter uses from ticket taxes on transportation by air; to the Committee on Finance.

By Mr. DURBIN (for himself, Mr. GRASSLEY, Mr. HARKIN, Mr. DASCHLE, Mr. BAYH, Mr. KOHL, and Mr. INHOFE):

S. 83. A bill to expand aviation capacity in the Chicago area, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LUGAR:

S. 84. A bill to authorize the President to promote posthumously the late Raymond Ames Spruance to the grade of Fleet Admiral of the United States Navy, and for other purposes; to the Committee on Armed Services.

By Mr. LUGAR:

S. 85. A bill to amend the Internal Revenue Code of 1986 to provide for a charitable deduction for contributions of food inventory; to the Committee on Finance.

By Mrs. CLINTON (for herself and Mr. DURBIN):

S. 86. A bill to amend the Internal Revenue Code of 1986 to provide a credit for the health insurance expenses of small businesses; to the Committee on Finance.

By Mrs. CLINTON (for herself, Mr. DURBIN, Mr. CORZINE, Mrs. BOXER, Mr. SCHUMER, Mrs. FEINSTEIN, and Ms. STABENOW):

S. 87. A bill to provide for homeland security block grants; to the Committee on Governmental Affairs.

By Mr. HOLLINGS:

S. 88. A bill to amend the Internal Revenue Code of 1986 to suspend future reductions of income tax rates if the Social Security surpluses are used to fund such tax rate cuts; to the Committee on Finance.

By Mr. HOLLINGS:

S. 89. A bill to provide for the common defense by requiring that all young persons in the United States, including women, perform a period of military service or a period of civilian service in furtherance of the national defense and homeland security, and for other purposes; to the Committee on Armed Services.

By Mr. GREGG (for himself and Mr. FEINGOLD):

S. 90. A bill to extend certain budgetary enforcement to maintain fiscal accountability and responsibility; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. GRASSLEY (for himself, Mr. FEINGOLD, Mr. ENZI, and Mr. HARKIN):

S. 91. A bill to amend title 9, United States Code, to provide for greater fairness in the arbitration process relating to livestock and poultry contracts; to the Committee on the Judiciary.

By Mrs. LINCOLN:

S. 92. A bill to accelerate and make permanent the child tax credit; to the Committee on Finance.

By Mr. INOUYE:

S. 93. A bill for the relief of Sung Jun Oh; to the Committee on the Judiciary.

By Mrs. LINCOLN:

S. 94. A bill to accelerate and make permanent the 10 percent tax bracket; to the Committee on Finance.

By Mrs. LINCOLN:

S. 95. A bill to make permanent the pension and individual retirement arrangement provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001; to the Committee on Finance.

By Mr. KYL:

S. 96. A bill to repeal the sunset of the provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001, and for other purposes; to the Committee on Finance.

By Mr. INOUYE:

S. 97. A bill to treat certain hospital support organizations as qualified organizations for purposes of determining acquisition indebtedness; to the Committee on Finance.

By Mr. ALLARD (for himself, Mrs. CLINTON, Mr. SHELBY, Mr. FEINGOLD, Mr. BURNS, Mr. SESSIONS, Mr. HARKIN, and Mr. CORZINE):

S. 98. A bill to amend the Bank Holding Company Act of 1956, and the Revised Statutes of the United States, to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HOLLINGS:

S. 99. A bill for the relief of Jaya Gulab Tolani and Hitesh Gulab Tolani; to the Committee on the Judiciary.

By Ms. COLLINS (for herself and Ms. LANDRIEU):

S. 100. A bill to expand access to affordable health care and to strengthen the health care safety net and make health care services more available in rural and underserved areas; to the Committee on Finance.

By Mr. HATCH (for himself and Mr. LEAHY):

S. 101. A bill to authorize salary adjustments for Justices and judges of the United States for fiscal year 2003; to the Committee on Governmental Affairs.

By Mrs. LINCOLN:

S. 102. A bill to make permanent the increase in the alternative minimum tax exemption; to the Committee on Finance.

By Mr. NICKLES:

S. 103. A bill for the relief of Lindita Idrizi Heath; to the Committee on the Judiciary.

By Mr. HOLLINGS (for himself, Mr. BAYH, Mr. BIDEN, Mrs. BOXER, Mr. BREAUX, Mr. BURNS, Ms. CANTWELL, Mr. CARPER, Mrs. CLINTON, Ms. COLLINS, Mr. CORZINE, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. JEFFORDS, Mr. KENNEDY, Mr. LAUTENBERG, Mr. LEAHY, Ms. MIKULSKI, Mr. MILLER, Mr. REID, Mr. SARBANES, Mr. SCHUMER, Ms. SNOWE, Mr. SPECTER, and Mr. STEVENS):

S. 104. A bill to establish a national rail passenger transportation system, reauthorize Amtrak, improve security and service on Amtrak, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. STABENOW (for herself, Mr. DASCHLE, Mrs. BOXER, Mr. LEVIN, Mr. LEAHY, Ms. LANDRIEU, Mr. DODD, Mr. DAYTON, Mr. SARBANES, Mr. DORGAN, Mr. DURBIN, Mrs. FEINSTEIN, and Mr. LAUTENBERG):

S. 105. A bill to repeal certain provisions of the Homeland Security Act (Public Law 107–296) relating to liability with respect to certain vaccines; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KYL (for himself and Mrs. FEINSTEIN):

S.J. Res. 1. A joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims; to the Committee on the Judiciary.

By Mr. CRAIG:

S.J. Res. 2. A joint resolution proposing an amendment to the Constitution of the United States to require a balanced budget and protect Social Security surpluses; to the Committee on the Judiciary.

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:

S. Res. 1. A resolution informing the President of the United States that a quorum of each House is assembled; considered and agreed to.

By Mr. FRIST:

S. Res. 2. A resolution informing the House of Representatives that a quorum of the Senate is assembled; considered and agreed to.

By Mr. FRIST:

S. Res. 3. A resolution to elect TED STEVENS, a Senator from the State of Alaska, to be President pro tempore of the Senate of the United States; considered and agreed to.

By Mr. FRIST:

S. Res. 4. A resolution notifying the President of the United States of the election of a President pro tempore; considered and agreed to.

By Mr. FRIST:

S. Res. 5. A resolution notifying the House of Representatives of the election of a President pro tempore of the Senate; considered and agreed to.

By Mr. FRIST:

S. Res. 6. A resolution fixing the hour of daily meeting of the Senate; considered and agreed to.

By Mr. FRIST:

S. Res. 7. A resolution electing Emily J. Reynolds of Tennessee as Secretary of the Senate; considered and agreed to.

By Mr. FRIST:

S. Res. 8. A resolution notifying the President of the United States of the election of a Secretary of the Senate; considered and agreed to.

By Mr. FRIST:

S. Res. 9. A resolution notifying the House of Representatives of the election of a Secretary of the Senate; considered and agreed to.

By Mr. FRIST:

S. Res. 10. A resolution electing David J. Schiappa of Maryland as Secretary for the Majority of the Senate; considered and agreed to.

By Mr. DASCHLE:

S. Res. 11. A resolution electing Martin P. Paone as Secretary for the Minority of the Senate; considered and agreed to.

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

S. Res. 12. A resolution to make effective reappointment of Senate Legal Counsel; considered and agreed to.

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

S. Res. 13. A resolution to make effective reappointment of Deputy Senate Legal Counsel; considered and agreed to.

By Mr. VOINOVICH (for himself and Mr. DEWINE):

S. Res. 14. A resolution commending the Ohio State University Buckeyes football team for winning the 2002 NCAA Division 1–A collegiate national football championship; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DASCHLE (for himself, Mr. KENNEDY, Mrs. MURRAY, Ms. MIKULSKI, MR. DODD, Mr. BREAUX, Mr. JOHNSON, Mr. LEAHY, Mr. ROCKEFELLER, Mr. LEVIN, Mr. DURBIN, Mr. SARBANES, Mrs. CLINTON, Mr. AKAKA, Mr. SCHUMER, Mr. BIDEN, Ms. STABENOW, Mr. CORZINE, Mr. DAYTON, Mr. LAUTENBERG, Mr. REID, and Mr. BAUCUS):

S. 8. A bill to encourage lifelong learning by investing in public schools and improving access to and affordability of higher education and job training; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DASCHLE (for himself, Mr. KENNEDY, Ms. STABENOW, Mrs. CLINTON, Mr. SCHUMER, Mrs. MURRAY, Mr. CORZINE, Mr. DURBIN, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. LEVIN, Mr. ROCKEFELLER, Mr. AKAKA, Mr. JOHNSON, Mr. SARBANES, Mr. DAYTON, Mr. LAUTENBERG, Mr. LEAHY, Mr. REID, and Mr. PRYOR):

S. 10. A bill to protect consumers in managed care plans and other health coverage, to provide for parity with respect to mental health coverage, to reduce medical errors, and to increase the access of individuals to quality health care; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. DODD, Mrs. CLINTON, Mr. LEAHY, Mr. ROCKFELLER, Mr. BINGAMAN, Mrs. MURRAY, Mr. LEVIN, Mr. DURBIN, Mr. SARBANES, Mr. AKAKA, Mr. SCHUMER, Mr. REED, Mr. JOHNSON, Mr. BIDEN, Mr. CORZINE, Mr. DAYTON, Mr. LAUTENBERG, and Mr. REID):

S. 18. A bill to improve early learning opportunities and promote preparedness by increasing the availability of Head Start programs, to increase the availability and affordability of quality child care, to reduce child hunger and encourage healthy eating habits, to facilitate parental involvement, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DASCHLE (for himself, Mr. AKAKA, Ms. CANTWELL, Mr. DURBIN, Mr. FEINGOLD, Mr. KENNEDY, Ms. LANDRIEU, Mr. LEVIN, Mr. SARBANES, Mrs. CLINTON, Mr. DODD, Mr. JOHNSON, Mr. LEAHY, Mrs. MURRAY, Mr. REID, Mr. SCHUMER, Mr. BINGAMAN, and Mr. BREAUX):

S. 76. A bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

DEMOCRATIC LEADERSHIP PRIORITIES FOR THE 108TH CONGRESS

Mr. DASCHLE. Mr. President, officially, the Congress that ended in December was the 107th Congress. But history will almost surely record it as the September 11th Congress. From the moment the first plane hit the first tower until the last moments of the lameduck session, helping America recover from that horrific day, bringing its plotters to justice and making changes to protect America from future terrorist attacks dominated the Senate's agenda.

We continued that work—even as we confronted unprecedented challenges in the Senate: anthrax, the rise of new threats to our Nation, and the loss of our friend and colleague, Paul Wellstone.

Through tragic and historic events, the 107th Senate under Democratic control produced a number of important legislative accomplishments: aviation security and counterterrorism legislation; the toughest corporate accountability law since the SEC was created in 1934; the most far-reaching campaign finance reforms since Watergate; the most significant overhaul of Federal education policies since 1965; and a new farm bill to replace the failed Freedom to Farm Act.

However, other important legislation fell victim to special-interest armtwisting, and the other party's unwillingness to compromise on their proposals, or even consider ours. We saw that on proposals to dedicate greater resources to homeland security, a Medicare prescription drug benefit, and a real, enforceable patients' bill of rights.

The proposals we are introducing today recognize that the American people have real concerns about their security, and that Republicans and the Bush administration have not done enough to address those concerns.

But they also recognize that security means more than national security, and homeland security. It means economic security, retirement security, and the security of knowing that our children are getting a good education, and that, if you get sick, health care is available and affordable. It means giving people who work fulltime the security of knowing they can earn a decent wage—whether they work on a farm, in a factory, or at a fast-food restaurant. It is the security of knowing that our air is safe to breathe and our water is safe to drink, that America is living up to its commitment to civil rights, and that we are keeping our promises to our veterans.

Democrats are committed to tackling terrorism abroad, and making our country more secure.

One of our first priorities will be to make Americans safer by enhancing protections for our ports, borders, food and water supplies, and chemical and nuclear plants.

We are introducing a bill to commit real resources to doing all of those things, and to hiring more police and first responders and providing them the tools and training to do the difficult jobs we are now asking them to do.

We also recognize that national strength also depends on economic strength, and in the last 2 years, America's economy has weakened. In the coming weeks, we will put forward our ideas for how best to stimulate the economy in the short term.

But, in the long term, one of the most important things we can do is give people greater confidence that their private pensions will be there for them. That is why another of our leadership bills is one to strengthen pension protections, expand pension coverage, and crack down on rogue corporations.

It has been said that almost every problem any society faces can be solved with two things: good health, and a good education—and we have bills in each of those areas.

The Right Start for Children Act makes Head Start fully available for 4- and 5-year-olds, and increases availability for infants and toddlers. It will help improve childcare quality, make childcare more affordable for 1 million additional children, and strengthen child nutrition programs to reduce child hunger.

The Educational Excellence for All Learners Act builds on that foundation by improving education every step of the way—from kindergarten, to college, to lifelong learning. It makes sure that we match the real reforms we passed last year with the real resources they demand. It will help us recruit, hire, and train qualified teachers, build new schools, and make college and job training more affordable and more available.

President Bush pledged to leave no child behind, and then proposed more than a billion dollars of education cuts. We are proposing to put our money where the Republicans' mouths are—and help secure a good start, a good education, and good prospects for all Americans.

When it comes to health care, it was an outrage that 40 million Americans were uninsured 2 years ago. In the past year, over 1 million more Americans have lost health insurance. And those who are lucky enough to have health insurance are seeing their premiums skyrocket.

With the Health Care Coverage Expansion and Quality Improvement Act, we hope to reduce the number of uninsured by making health care coverage more available to small businesses, parents of children eligible for

CHIP and Medicaid, pregnant women, and others.

We also want to improve the quality of care people receive by overcoming Republican resistance to a real, enforceable, patients' bill of rights.

We will also insist that mental illness be treated like any other illness—something that will not only honor Paul Wellstone's legacy, but also help millions of families.

We are also committed to passing a prescription drug benefit under Medicare, and lowering the price of prescription drugs for all Americans. Last year, we passed a bill to lower the price of generic drugs, but the House refused to take it up. And we had 52 Senators support our Medicare prescription drug benefit—but it was blocked on a procedural motion.

The high cost of prescription drugs—combined with the increasing need for such drugs—is destroying the life savings—and threatening the dignity—of millions of older Americans. And that is simply unacceptable.

A couple of months ago in elections all across the country, and in words spoken here in the Senate, we have seen that when it comes to protecting equal rights, we still have a lot of work to do in changing hearts, minds, and laws.

That is why we are introducing The Equal Rights and Equal Dignity for Americans Act. This bill will enforce employment nondiscrimination, fund the election-reform measures we passed last year, outlaw hate crimes, and take other steps to see that as a nation, we live up to the promise of equal rights.

I hope those Republicans who have recently expressed their support for civil rights will join us in expressing their support for this legislation. I also hope they will join us in supporting our bill to combat drug and gun violence, to crack down on new crimes like identity theft, and to protect against and prevent crimes against children and seniors.

We also need to ensure greater dignity for our minimum wage workers, our farmers, and our veterans. The purchasing power of the minimum wage is now the lowest it has been in more than 30 years. And a full-time minimum wage income won't get you over the poverty line. If we can afford over a trillion dollars in tax cuts for those at the top of the income scale, we can afford a dollar fifty more an hour for those at the bottom.

We need to help our rural economy, and help those impacted by a drought and other natural disasters that are being called among the costliest for agricultural producers in our Nation's history.

And we need to maintain our commitment to those currently serving, and keep our promises to our veterans. One way we do that is by allowing our wounded veterans to receive both their full disability and retirement benefits. Another way is by addressing the current crisis in veterans' health care. With each of these proposals—we stand with the leading veterans organizations, and for those who served our country.

Finally, we are committed to stopping what is adding up to an all-out assault on our environment. By unilaterally abandoning the Kyoto process, the Bush administration took us out of position to lead the world on the issue of climate change. The Global Climate Security Act will help America reassert our position of world leadership on this vital issue of world health.

Each of these things is relevant, not revolutionary. If they seem familiar, it is because most of what is in them has been introduced before.

But they are not law, despite the support of the American people and, in some cases, a bipartisan majority of Senators.

They have been opposed by an extreme few, and their special interest supporters. And while those bills have languished, we have seen the rise of more threats to our country; more people have lost their jobs and their health care; and more of our national challenges have gone unmet.

These are our priorities. In the last couple of days, the President has made clear his priorities—more tax cuts for those who need them least.

The President's plan won't help middle income families. It won't contribute to economic growth; it won't make our homeland more secure; it won't expand educational opportunity for the young, or strengthen health care for the elderly.

Instead—by putting us deeper into deficit and debt—it makes all of these things, and all of our other goals, harder to achieve.

Our bills will help us create an America that is stronger, safer, and better for all Americans—and I hope my colleagues will join me in supporting them.

By Mrs. HUTCHISON:

S. 24. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income dividends received by individuals; to the Committee on Finance

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By Mrs. HUTCHISON:

S. 25. A bill to amend the Internal Revenue Code of 1986 to provide that dividend income of individuals not be taxed at rates in excess of the maximum capital gains rate; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 26. A bill to amend the Internal Revenue Code of 1986 to provide that dividend and interest income of individuals not be taxed at rates in excess of the maximum capital gains rate; to the Committee on Finance.

Mrs. HUTCHISON. Mr. President, I am pleased to introduce a package of three bills I hope will be the starting point for a long overdue discussion on reducing taxes on investment income, particularly dividends. The first bill would completely eliminate taxes on dividends. The second bill would reduce the tax on dividends to the capital gains rate. The third bill would lower the tax to the capital gains rate on dividends and interest income. These bills would not only stimulate the economy, but also correct long-term problems with the tax code.

The economy is currently on the way to recovery but faces significant bottlenecks along the way. Following a mild recession, we are experiencing moderate growth. Many believe we will continue on a slow yet steady pace, but we are not yet in the clear. We must take aggressive steps to create jobs and ensure the economy gets moving again.

The most effective tool government has for promoting growth is the tax code. By lowering taxes we allow people to keep more of their money and spend it more effectively than the government ever could.

Lowering the taxes on investment income would stimulate the economy on several levels. First, we would leave more money in the pockets of families to spend. Second, lowering taxes on dividends would encourage investors to re-enter the stock market and realize higher returns since the government would be taking less. The increased demand for stocks would stabilize the market and encourage economic growth. Third, these tax cuts would ultimately help to reduce the deficit as tax revenues increase from higher economic growth and increased capital gains revenue.

A tax cut on investment income would particularly help the elderly and others who rely on fixed incomes. A third of seniors received dividend income and more than half of dividends go to seniors. With such pressures as the rising cost of healthcare, it is critical that we let them keep as much of their money as possible. Also, these tax cuts would help a broad cross-section of Americans. For example, almost half of those who receive dividends have income of less than $50,000.

One of the problems with our tax code is the double taxation of dividends. People have already paid taxes on the money they use to invest. Then they must pay taxes on their investment income. This is not fair and discourages savings.

Also, companies must use after-tax dollars to pay dividends. Investors then have to pay taxes on their dividend income at the ordinary income tax rates. This leads to two unintended consequences.

First, it encourages investors to focus on returns through stock price appreciation, which are taxed at the lower capital gains rate. People are encouraged to invest in higher growth, but often in riskier companies, rather than more stable, dividend-paying companies. As anyone can see from the collapse of stock prices in high-growth sectors over the past two years, the current incentives in the tax code may

not lead to the best decisions for investors.

Second, the double taxation of dividends encourages companies to raise capital by loading up on debt rather than issuing stock, because interest expense on debt can lower a company's taxes while dividend payments do not. This leads to an increase in highly leveraged companies that are at greater financial risk when the economy slows.

Whether investors should invest in growth stocks is a decision that must be left to individuals. Likewise, the issuance of debt is best decided by the company in question. By lowering the tax rates on dividends and interest income, we would reduce the influence of taxes on these decisions.

Increasingly, America is a Nation of investors. Today, half of U.S. households own stock. The number of shareholders has increased more than 60 percent since 1989. Thus, it is critical to ensure our tax laws lead to rational decisionmaking; decisions based on the best investment choices, not guided by tax inequities. Let's take tax rates out of the capital allocation decision process. People should make investment decisions based on what is the best investment.

I call on the Senate to bolster the economy, help senior citizens meet their financial needs, and level the way we tax investment gains by lowering taxes on investment income. Today, I offer three alternatives I hope will lead to a constructive discussion and action to achieve these goals.

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

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 24

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

SECTION 1. EXCLUSION OF DIVIDEND INCOME FROM TAX.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to amounts specifically excluded from gross income) is amended by inserting after section 115 the following new section:

"SEC. 116. EXCLUSION OF DIVIDENDS RECEIVED BY INDIVIDUALS.

''(a) EXCLUSION FROM GROSS INCOME.—Gross income does not include dividends otherwise includible in gross income which are received during the taxable year by an individual.

''(b) CERTAIN DIVIDENDS EXCLUDED.—Subsection (a) shall not apply to any dividend from a corporation which, for the taxable year of the corporation in which the distribution is made, or for the next preceding taxable year of the corporation, is a corporation exempt from tax under section 501 (relating to certain charitable, etc., organization) or section 521 (relating to farmers' cooperative associations).

''(c) SPECIAL RULES.—For purposes of this section—

''(1) EXCLUSION NOT TO APPLY TO CAPITAL GAIN DIVIDENDS FROM REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS.—

"For treatment of capital gain dividends, see sections 854(a) and 857(c).

''(2) CERTAIN NONRESIDENT ALIENS INELIGIBLE FOR EXCLUSION.—In the case of a nonresident alien individual, subsection (a) shall apply only—

''(A) in determining the tax imposed for the taxable year pursuant to section 871(b)(1) and only in respect of dividends which are effectively connected with the conduct of a trade or business within the United States, or

''(B) in determining the tax imposed for the taxable year pursuant to section 877(b).

''(3) DIVIDENDS FROM EMPLOYEE STOCK OWNERSHIP PLANS.—Subsection (a) shall not apply to any dividend described in section 404(k).''

(b) CONFORMING AMENDMENTS.—

(1)(A) Subparagraph (A) of section 135(c)(4) of such Code is amended by inserting ''116,'' before ''137''.

(B) Subsection (d) of section 135 of such Code is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

''(4) COORDINATION WITH SECTION 116.—This section shall be applied before section 116.''

(2) Subsection (c) of section 584 of such Code is amended by adding at the end thereof the following new flush sentence:

''The proportionate share of each participant in the amount of dividends received by the common trust fund and to which section 116 applies shall be considered for purposes of such section as having been received by such participant.''

(3) Subsection (a) of section 643 of such Code is amended by redesignating paragraph (7) as paragraph (8) and by inserting after paragraph (6) the following new paragraph:

''(7) DIVIDENDS.—There shall be included the amount of any dividends excluded from gross income pursuant to section 116.''

(4) Section 854(a) of such Code is amended by inserting ''section 116 (relating to exclusion of dividends received by individuals) and'' after ''For purposes of''.

(5) Section 857(c) of such Code is amended to read as follows:

''(c) RESTRICTIONS APPLICABLE TO DIVIDENDS RECEIVED FROM REAL ESTATE INVESTMENT TRUSTS.—

''(1) TREATMENT FOR SECTION 116.—For purposes of section 116 (relating to exclusion of dividends received by individuals), a capital gain dividend (as defined in subsection (b)(3)(C)) received from a real estate investment trust which meets the requirements of this part shall not be considered as a dividend.

''(2) TREATMENT FOR SECTION 243.—For purposes of section 243 (relating to deductions for dividends received by corporations), a dividend received from a real estate investment trust which meets the requirements of this part shall not be considered as a dividend.''

(6) The table of sections for part III of subchapter B of chapter 1 of such Code is amended by inserting after the item relating to section 115 the following new item:

''Sec. 116. Exclusion of dividends received by individuals.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

S. 25

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

SECTION 1. DIVIDENDS OF INDIVIDUALS TAXED AT CAPITAL GAIN RATES.

(a) IN GENERAL.—Section 1(h) of the Internal Revenue Code of 1986 (relating to maximum capital gains rate) is amended by adding at the end the following new paragraph:

''(13) DIVIDENDS TAXED AS NET CAPITAL GAIN.—

''(A) IN GENERAL.—For purposes of this subsection, the term 'net capital gain' means net capital gain (determined without regard to this paragraph), increased by qualified dividend income.

''(B) QUALIFIED DIVIDEND INCOME.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'qualified dividend income' means dividends received from domestic corporations during the taxable year.

''(ii) CERTAIN DIVIDENDS EXCLUDED.—Such term shall not include—

''(I) any dividend from a corporation which for the taxable year of the corporation in which the distribution is made, or the preceding taxable year, is a corporation exempt from tax under section 501 or 521,

''(II) any amount allowed as a deduction under section 591 (relating to deduction for dividends paid by mutual savings banks, etc.), and

''(III) any dividend described in section 404(k).

''(iii) MINIMUM HOLDING PERIOD.—Such term shall not include any dividend on any share of stock with respect to which the holding period requirements of section 246(c) are not met.

''(C) SPECIAL RULES.—

''(i) AMOUNTS TAKEN INTO ACCOUNT AS INVESTMENT INCOME.—Qualified dividend income shall not include any amount which the taxpayer takes into account as investment income under section 163(d)(4)(B).

''(ii) NONRESIDENT ALIENS.—In the case of a nonresident alien individual, subparagraph (A) shall apply only—

''(I) in determining the tax imposed for the taxable year pursuant to section 871(b) and only in respect of amounts which are effectively connected with the conduct of a trade or business within the United States, and

''(II) in determining the tax imposed for the taxable year pursuant to section 877.

''(iii) TREATMENT OF DIVIDENDS FROM REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS.—

"For treatment of dividends from regulated investment companies and real estate investment trusts, see sections 854 and 857."

(b) EXCLUSION OF DIVIDENDS FROM INVESTMENT INCOME.—Subparagraph (B) of section 163(d)(4) of the Internal Revenue Code of 1986 (defining net investment income) is amended by adding at the end the following flush sentence:

''Such term shall include qualified dividend income (as defined in section 1(h)(13)(B)) only to the extent the taxpayer elects to treat such income as investment income for purposes of this subsection.''

(c) TREATMENT OF DIVIDENDS FROM REGULATED INVESTMENT COMPANIES.—

(1) Subsection (a) of section 854 of the Internal Revenue Code of 1986 (relating to dividends received from regulated investment companies) is amended by inserting ''section 1(h)(13) (relating to maximum rate of tax on dividends and interest) and'' after ''For purposes of''.

(2) Paragraph (1) of section 854(b) of such Code (relating to other dividends) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

''(B) MAXIMUM RATE UNDER SECTION 1(h).—

''(i) IN GENERAL.—If the aggregate dividends received by a regulated investment company during any taxable year is less than 95 percent of its gross income, then, in computing the maximum rate under section 1(h)(13), rules similar to the rules of subparagraph (A) shall apply.

''(ii) GROSS INCOME.—For purposes of clause (i), in the case of 1 or more sales or other dispositions of stock or securities, the term 'gross income' includes only the excess of—

''(I) the net short-term capital gain from such sales or dispositions, over

''(II) the net long-term capital loss from such sales or dispositions.''

(3) Subparagraph (C) of section 854(b)(1) of such Code, as redesignated by paragraph (2), is amended by striking ''subparagraph (A)'' and inserting ''subparagraph (A) or (B)''.

(4) Paragraph (2) of section 854(b) of such Code is amended by inserting ''the maximum rate under section 1(h)(13) and'' after ''for purposes of''.

(d) TREATMENT OF DIVIDENDS RECEIVED FROM REAL ESTATE INVESTMENT TRUSTS.—Section 857(c) of the Internal Revenue Code of 1986 (relating to restrictions applicable to dividends received from real estate investment trusts) is amended to read as follows:

''(c) RESTRICTIONS APPLICABLE TO DIVIDENDS RECEIVED FROM REAL ESTATE INVESTMENT TRUSTS.—For purposes of section 1(h)(13) (relating to maximum rate of tax on dividends) and section 243 (relating to deductions received by corporations), a dividend received from a real estate investment trust which meets the requirements of this part shall not be considered a dividend.''

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

S. 26

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

SECTION 1. DIVIDENDS AND INTEREST OF INDIVIDUALS TAXED AT CAPITAL GAIN RATES.

(a) IN GENERAL.—Section 1(h) of the Internal Revenue Code of 1986 (relating to maximum capital gains rate) is amended by adding at the end the following new paragraph:

''(13) DIVIDENDS AND INTEREST TAXED AS NET CAPITAL GAIN.—

''(A) IN GENERAL.—For purposes of this subsection, the term 'net capital gain' means net capital gain (determined without regard to this paragraph), increased by qualified dividend income and qualified interest income.

''(B) QUALIFIED DIVIDEND INCOME.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'qualified dividend income' means dividends received from domestic corporations during the taxable year.

''(ii) CERTAIN DIVIDENDS EXCLUDED.—Such term shall not include—

''(I) any dividend from a corporation which for the taxable year of the corporation in which the distribution is made, or the preceding taxable year, is a corporation exempt from tax under section 501 or 521,

''(II) any amount allowed as a deduction under section 591 (relating to deduction for dividends paid by mutual savings banks, etc.), and

''(III) any dividend described in section 404(k).

''(iii) MINIMUM HOLDING PERIOD.—Such term shall not include any dividend on any share of stock with respect to which the holding period requirements of section 246(c) are not met.

''(C) QUALIFIED INTEREST INCOME.—For purposes of this paragraph, the term 'qualified interest income' means—

''(i) interest on deposits with a bank (as defined in section 581),

''(ii) amounts (whether or not designated as interest) paid, in respect of deposits, investment certificates, or withdrawable or repurchasable shares, by—

''(I) a mutual savings bank, cooperative bank, domestic building and loan association, industrial loan association or bank, or credit union, or

''(II) any other savings or thrift institution which is chartered and supervised under Federal or State law,

the deposits or accounts in which are insured under Federal or State law or which are protected and guaranteed under State law,

''(iii) interest on—

''(I) evidences of indebtedness (including bonds, debentures, notes, and certificates) issued by a domestic corporation in registered form, and

''(II) to the extent provided in regulations prescribed by the Secretary, other evidences of indebtedness issued by a domestic corporation of a type offered by corporations to the public,

''(iv) interest on obligations of the United States, a State, or a political subdivision of a State (not excluded from gross income of the taxpayer under any other provision of law), and

''(v) interest attributable to participation shares in a trust established and maintained by a corporation established pursuant to Federal law.

''(D) SPECIAL RULES.—

''(i) AMOUNTS TAKEN INTO ACCOUNT AS INVESTMENT INCOME.—Qualified dividend income and qualified interest income shall not include any amount which the taxpayer takes into account as investment income under section 163(d)(4)(B).

''(ii) NONRESIDENT ALIENS.—In the case of a nonresident alien individual, subparagraph (A) shall apply only—

''(I) in determining the tax imposed for the taxable year pursuant to section 871(b) and only in respect of amounts which are effectively connected with the conduct of a trade or business within the United States, and

''(II) in determining the tax imposed for the taxable year pursuant to section 877.

''(iii) TREATMENT OF DIVIDENDS FROM REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS.—

''For treatment of dividends from regulated investment companies and real estate investment trusts, see sections 854 and 857.''

(b) EXCLUSION OF DIVIDENDS AND INTEREST FROM INVESTMENT INCOME.—Subparagraph (B) of section 163(d)(4) of the Internal Revenue Code of 1986 (defining net investment income) is amended by adding at the end the following flush sentence:

''Such term shall include qualified dividend income (as defined in section 1(h)(13)(B)) or qualified interest income (as defined in section 1(h)(13)(C)) only to the extent the taxpayer elects to treat such income as investment income for purposes of this subsection.''

(c) TREATMENT OF DIVIDENDS FROM REGULATED INVESTMENT COMPANIES.—

(1) Subsection (a) of section 854 of the Internal Revenue Code of 1986 (relating to dividends received from regulated investment companies) is amended by inserting ''section 1(h)(13) (relating to maximum rate of tax on dividends and interest) and'' after ''For purposes of''.

(2) Paragraph (1) of section 854(b) of such Code (relating to other dividends) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

''(B) MAXIMUM RATE UNDER SECTION 1(h).—

''(i) IN GENERAL.—If the sum of the aggregate dividends received, and the aggregate interest described in section 1(h)(13)(C) received, by a regulated investment company during any taxable year is less than 95 percent of its gross income, then, in computing the maximum rate under section 1(h)(13), rules similar to the rules of subparagraph (A) shall apply.

''(ii) GROSS INCOME.—For purposes of clause (i), in the case of 1 or more sales or other dispositions of stock or securities, the term 'gross income' includes only the excess of—

''(I) the net short-term capital gain from such sales or dispositions, over

''(II) the net long-term capital loss from such sales or dispositions.''

(3) Subparagraph (C) of section 854(b)(1) of such Code, as redesignated by paragraph (2), is amended by striking ''subparagraph (A)'' and inserting ''subparagraph (A) or (B)''.

(4) Paragraph (2) of section 854(b) of such Code is amended by inserting ''the maximum rate under section 1(h)(13) and'' after ''for purposes of''.

(d) TREATMENT OF DIVIDENDS RECEIVED FROM REAL ESTATE INVESTMENT TRUSTS.—Section 857(c) of the Internal Revenue Code of 1986 (relating to restrictions applicable to dividends received from real estate investment trusts) is amended to read as follows:

''(c) RESTRICTIONS APPLICABLE TO DIVIDENDS RECEIVED FROM REAL ESTATE INVESTMENT TRUSTS.—

''(1) IN GENERAL.—For purposes of section 1(h)(13) (relating to maximum rate of tax on dividends and interest) and section 243 (relating to deductions received by corporations), a dividend received from a real estate investment trust which meets the requirements of this part shall not be considered a dividend.

''(2) TREATMENT AS INTEREST.—

''(A) IN GENERAL.—For purposes of section 1(h)(13), in the case of a dividend (other than a capital gain dividend, as defined in subsection (b)(3)(C)) received from a real estate investment trust which meets the requirements of this part for the taxable year in which it paid—

''(i) such dividend shall be treated as interest if the aggregate interest received by the real estate investment trust for the taxable year equals or exceeds 75 percent of its gross income, or

''(ii) if clause (i) does not apply, the portion of such dividend which bears the same ratio to the amount of such dividend as the aggregate interest received bears to gross income shall be treated as interest.

''(B) ADJUSTMENTS TO GROSS INCOME AND AGGREGATE INTEREST RECEIVED.—For purposes of subparagraph (B)—

''(i) gross income does not include the net capital gain,

''(ii) gross income and aggregate interest received shall each be reduced by so much of the deduction allowable by section 163 for the taxable year (other than for interest on mortgages on real property owned by the real estate investment trust) as does not exceed aggregate interest received by the taxable year, and

''(iii) gross income shall be reduced by the sum of the taxes imposed by paragraphs (4), (5), and (6) of section 857(b).

''(C) AGGREGATE INTEREST RECEIVED.—For purposes of this subsection, aggregate interest received shall be computed by taking into account only interest which is described in section 1(13)(C).

''(D) NOTICE TO SHAREHOLDERS.—The amount of any distribution by a real estate investment trust which may be taken into account as interest for purposes of section 1(h)(13) shall not exceed the amount so designated by the trust in a written notice to its shareholders mailed not later than 45 days after the close of its taxable year.''

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

By Mr. GRASSLEY (for himself, Mr. JOHNSON, Mr. ENZI, and Mr. HARKIN):

S. 27 A bill to amend the Packers and Stockyards Act, 1921, to make it unlawful for packet to own, feed, or control livestock intended for slaughter; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. GRASSLEY. Mr. President, the goal of the farm bill was to improve the economic condition of America's farmers over the next few years. However one of the many shortcomings of the new law is that it fails to protect family farmers and independent livestock producers from vertical integration in the livestock industry.

In recent years, family farmers from across Iowa have contacted me to express their fears about the threat they fell from concentration in the livestock industry. They fear that if the trend toward increased concentration continues, they may be unable to compete effectively and will not be able to get a fair price for their livestock in the marketplace.

The bill I am introducing would prevent meat packers from assuming complete control of the meat supply by preventing packers from owning livestock.

This bill would make it unlawful for a packer to own or feed livestock intended for slaughter. Single pack entities and packs too small to participate in the Mandatory Price Reporting program would be excluded from the limitation. In addition, farmer cooperatives in which the members own, feed, or control the livestock themselves would be exempt under this new bill.

We have tightened down the limitations in this new version of the packer ban. The last version provided an exemption to plants that killed less than 2 percent of the Nation's livestock, per commodity. That meant plants that killed less than 1.9 million pigs or approximately 725,000 cattle were excluded under the old version. We have changed the standard to be consistent with the Mandatory Price Reporting law and other legislation I've introduced. That means the new limit will be 125,000 for cattle and 100,000 for swine.

It's also important to realize that this is not the original version I cosponsored with Senator JOHNSON. Instead, this is the version I successfully offered on the floor during the debate on the farm bill that removed the word ''control'' so that the packers couldn't attack us with a red-herring argument.

It's important for our colleagues to remember that family farmers ultimately derive their income from the agricultural marketplace, not the farm bill. Family farmers have unfortunately been in a position of weakness in selling their product to large processors and in buying their inputs from large suppliers.

Today, the position of the family has become weaker as consolidation in agribusiness has reached all time highs. Farmers have fewer buyers and suppliers than ever before. The result is an increasing loss of family farms and the smallest farm share of the consumer dollar in history.

One hundred years ago, this Nation reacted appropriately to citizen concerns about large, powerful companies by establishing rules constraining such businesses when they achieved a level of market power that harmed, or risked harming, the public interest, trade and commerce. The United State Congress enacted the first competition laws in the world to make commerce more free and fair. These competition laws include the Sherman Act, Clayton Act, Federal Trade Commission Act and Packers & Stockyards Act.

Since that time, many countries in the world have followed this U.S. example to constrain undue market power in their domestic economies.

Unfortunately, competition policy has been severely weakened in this country, especially in agriculture, due to Federal case law, underfunded enforcement, and unfounded reliance on efficiency claims. The result has been a significant degradation of the domestic agricultural market infrastructure. The current situation reflects a tremendous mis-allocation of resources across the food chain. Congress must strengthen competition policy within the farm sector to reclaim a properly operating marketplace.

While this legislation does not accomplish all that we need to do in this area, it's an important first step toward remedying the biggest problem facing farmers today, the problem of concentration.

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

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

S. 27

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

SECTION 1. PROHIBITION ON PACKERS OWNING, FEEDING, OR CONTROLLING LIVESTOCK.

(a) IN GENERAL.—Section 202 of the Packers and Stockyards Act, 1921 (7 U.S.C. 192), is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following:

''(f) Own or feed livestock directly, through a subsidiary, or through an arrangement that gives the packer operational, managerial, or supervisory control over the livestock, or over the farming operation that produces the livestock, to such an extent that the producer is no longer materially participating in the management of the operation with respect to the production of the livestock, except that this subsection shall not apply to—

''(1) an arrangement entered into within 7 days (excluding any Saturday or Sunday) before slaughter of the livestock by a packer, a person acting through the packer, or a person that directly or indirectly controls, or is controlled by or under common control with, the packer;

''(2) a cooperative or entity owned by a cooperative, if a majority of the ownership interest in the cooperative is held by active cooperative members that—

''(A) own, feed, or control livestock; and

''(B) provide the livestock to the cooperative for slaughter;

''(3) a packer that is not required to report to the Secretary on each reporting day (as defined in section 212 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1635a)) information on the price and quantity of livestock purchased by the packer; or

''(4) a packer that owns 1 livestock processing plant; or''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by subsection (a) take effect on the date of enactment of this Act.

(2) TRANSITION RULES.—In the case of a packer that on the date of enactment of this Act owns, feeds, or controls livestock intended for slaughter in violation of section 202(f) of the Packers and Stockyards Act, 1921 (as amended by subsection (a)), the amendments made by subsection (a) apply to the packer—

(A) in the case of a packer of swine, beginning on the date that is 18 months after the date of enactment of this Act; and

(B) in the case of a packer of any other type of livestock, beginning as soon as practicable, but not later than 180 days, after the date of enactment of this Act, as determined by the Secretary of Agriculture.

By Mr. CAMPBELL (for himself and Mr. ALLARD):

S. 30. A bill to redesignate the Colonnade Center in Denver, Colorado, as the ''Cesar E. Chavez Memorial Building''; to the Committee on Environment and Public Works.

Mr. CAMPBELL. Mr. President, today I am introducing legislation to name the Federal building located at 1244 Speer Boulevard, Denver CO, as the ''Cesar E. Chavez Memorial Building.''

Cesar E. Chavez was an ordinary American who left behind an extraordinary legacy of commitment and accomplishment.

Born on March 31, 1927 in Yuma, AZ on a farm his grandfather homesteaded in the 1880's, he began his life as a migrant farm worker at the age of 10 when the family lost the farm during the Great Depression. Those were desperate years for the Chavez family as they joined the thousands of displaced people who were forced to migrate throughout the country to labor in the fields and vineyards.

Motivated by the poverty and harsh working conditions, he began to follow his dream of establishing an organization dedicated to helping these farm workers. In 1962 he founded the National Farm Workers Association which would eventually evolve into the United Farm Workers of America.

Over the next three decades with an unwavering commitment to democratic principals and a philosophy of non-violence he struggled to secure a living wage, health benefits and safe working conditions for arguably the most exploited work force in our country, that they might enjoy the basic protections and worker's right to which all Americans aspire.

In 1945, at the age of 18 Cesar Chavez joined the U.S. Navy and served his country for two years. He was the recipient of the Martin Luther King Jr.

Peace Prize as well as the Presidential Medal of Freedom, the highest award this country can bestow upon a civilian.

Chavez's efforts brought dignity and respect to this country's farm workers and in doing so became a hero, role model and inspiration to people engaged in human rights struggles throughout the world.

The naming of this building will keep alive the memory of his sacrifice and commitment for the millions of people whose lives he touched.

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. 30

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

SECTION 1. DESIGNATION OF CESAR E. CHAVEZ MEMORIAL BUILDING.

The building known as the ''Colonnade Center'', located at 1244 Speer Boulevard in Denver, Colorado, shall be known and designated as the ''Cesar E. Chavez Memorial Building''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to the Cesar E. Chavez Memorial Building.

By Mr. FEINGOLD (for himself, Ms. COLLINS, and Mr. KOHL):

S. 36. A bill to amend title XVIII of the Social Security Act to eliminate the geographic physician work adjustment factor from the geographic indices used to adjust payments under the physician fee schedule, to provide incentives necessary to attract educators and clinical practitioners to underserved areas, and to revise the area wage adjustment applicable under the prospective payment system for skilled nursing facilities; to the Committee on Finance.

Mr. FEINGOLD. Mr. President, I rise today to join with my colleagues from Maine to introduce legislation to restore fairness to the Medicare program. This package of legislation will reduce regional inequalities in Medicare spending and support providers of high-quality, low-cost Medicare services.

The high cost of health care in Wisconsin is skyrocketing: A survey issued a few days ago found that the cost of health care benefits for employees in this State rose 14.8 percent this year, to an average of $6,940 per employee. That's 20 percent high than the national average of $5,758 for workers in businesses with 500 or more employees.

These costs are hitting our State hard, they are burdening businesses and employees, hurting health care providers, and preventing seniors from getting full access to the care that they deserve.

One of the major contributing factors to the high cost in our state is the inherent unfairness of the Medicare Program.

With the guidance and support of people across our State who are fighting for Medicare fairness. I have proposed this legislation to address Medicare's discrimination against Wisconsin's seniors, employers and health care providers. The Medicare program should encourage the kind of high-quality, cost-effective Medicare services that we have in Wisconsin. But as many in Wisconsin know, that's not the case.

To give an idea of how inequitable the distribution of Medicare dollars is, imagine identical twins over the age of 65. Both twins worked at the same company all their lives, at the same salary, and paid the same amount to the Federal Government in payroll taxes, the tax that goes into the Medicare Trust Fund.

But if one twin retired to New Orleans, Louisiana, and the other retired to Eau Claire, Wisconsin, they would have vastly different health options under the Medicare system. The twin in Louisiana would get much more.

For example, in most parts of Louisiana, the first twin would have more options under Medicare. The high Medicare payments in those areas allow Medicare beneficiaries to choose between an HMO or traditional fee-for-service plan, and, because area health care providers are reimbursed at such a high rate, those providers can afford to offer seniors a broad range of health care services. The twin in Eau Claire does not have the same access to care, there are no options to choose from in terms of Medicare HMOs, and sometimes fewer health care agencies that can afford to provide care under the traditional fee-for-service plan.

How can two people with identical backgrounds, who paid the same amount in payroll taxes, have such different options under Medicare? They can because the distribution of Medicare dollars among the 50 States is grossly unfair to Wisconsin, and much of the Upper Midwest. Wisconsinites pay payroll taxes just like every American taxpayer, but the Medicare funds we get in return are lower than those received in many other states.

My legislation will take us a step in the right direction by reducing the inequities in Medicare payments to Wisconsin's hospitals, physicians, and skilled nursing facilities.

Last year, with the introduction my Medicare fairness legislation along with the efforts of many other Senators, we put Medicare fairness issues front and center in Congress. The Senate Budget Committee approved my amendment to promote Medicare fairness in any Medicare reform package. A wide range of Senators from both parties endorsed my proposal to create a Medicare fairness coalition. The House passed a number of Medicare fairness provisions that were a result of these successes, and both House and Senate leadership endorsed Medicare fairness issues. Now that we have finally brought these issues the attention that they deserve, we need to build on that momentum to pass Medicare fairness provisions into law.

My legislation demands Medicare fairness for Wisconsin and other affected States, plain and simple. Medicare shouldn't penalize high-quality providers of Medicare services, most of all. Medicare should stop penalizing seniors who depend on the program for their health care. They have worked had and paid into the program all their lives, and in return they deserve full access to the wide range of benefits that Medicare has to offer.

I look forward to working with my colleagues to move this legislation forward. I believe that we can re-balance the budget, while at the same time encouraging efficient, quality enhancing services, and that's what my legislation sets out to do.

By Mr. MCCONNELL (for himself and Mr. BUNNING):

S. 37. A bill to amend title II of the Social Security Act to permit Kentucky to operate a separate retirement system for certain public employees; to the Committee on Finance.

Mr. MCCONNELL. Mr. President, I rise today to introduce legislation to add Kentucky to the list of States that are permitted to offer ''divided retirement'' plans under the Social Security Act.

Last year, I was contacted by Brian James, President of the Louisville Fraternal Order of Police, FOP, and Tony Cobaugh, President of the Jefferson County FOP. These two law enforcement leaders called my attention to a problem that could jeopardize the retirement security of many of our community's police, fire, and emergency personnel.

In November of 2000, the citizens of Jefferson County and the City of Louisville, Kentucky voted to merge their communities and respective governments into a single entity, which will be known as Greater Louisville. As one might expect, combining two large metropolitan governments in such a short time frame cannot be done without encountering a few difficulties along the way. Jefferson County and the City of Louisville currently operate two very different retirement programs for their police officers. When these two governments merge today, current federal law will require the new government to offer a single retirement plan that could dramatically increase the cost of retirement for both our dedicated public safety officers and the new Greater Louisville government.

Thankfully, when the FOP's leaders called this problem to my attention, they also suggested a simple solution, let the police officers and firefighters choose for themselves the retirement system which best meets their needs.

I rise today to offer legislation that will provide retirement stability to our public safety officers by allowing Kentucky to operate what is known as a ''divided retirement system.''

With passage of my legislation and legislation already passed by the Kentucky General Assembly, Louisville's and Jefferson County's police officers would decide whether or not they want to participate in Social Security or remain in their traditional retirement plan. While future employees will be automatically enrolled in Social Security, no current officers would be forced into a new retirement system as a result of the merger without their approval.

Current Federal law allows twenty-one States the option of offering divided retirement systems. Unfortunately, Kentucky is not one of these twenty-one states. The legislation I am offering today would change that by adding Kentucky to list of states designated in the Social Security Act.

The language I introduce today was included in legislation, H.R. 4070, that passed both the House and the Senate in the 107th Congress. Unfortunately, there were differences in the House and Senate versions of H.R. 4070, unrelated to the Louisville language, that were resolved only shortly prior to the adjournment of the 107th Congress. Unfortunately, the 107th Congress adjourned *sine die* before this compromise version of H.R. 4070 could be considered by both bodies of Congress.

It is critical that the Senate provide this retirement stability to the brave men and women who protect the citizens of Louisville and Jefferson County everyday. There is extensive precedent for granting Kentucky this authority, and my legislation enjoys the broad, bipartisan support of policemen, firefighters, local and state officials, and the Social Security Administration.

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. 37

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

SECTION 1. COVERAGE UNDER DIVIDED RETIREMENT SYSTEM FOR PUBLIC EMPLOYEES IN KENTUCKY.

(a) IN GENERAL.—Section 218(d)(6)(C) of the Social Security Act (42 U.S.C. 418(d)(6)(C)) is amended by inserting ''Kentucky,'' after ''Illinois,''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on January 1, 2003.

By Mr. FEINGOLD (for himself and Ms. COLLINS):

S. 39. A bill to promote the development of health care cooperatives that will help businesses to pool the health care purchasing power of employers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. FEINGOLD. Mr. President, I rise today with my colleague from Maine to introduce legislation to help businesses form group-purchasing cooperatives to obtain enhanced benefits, to reduce health care rates, and to improve quality for their employees' health care.

High health care costs are burdening businesses and employees across the Nation. These costs are digging into profits and preventing access to affordable health care. Too many patients feel trapped by the system, with decisions about their health dictated by costs rather than by what they need.

The cost of health care in Wisconsin is skyrocketing: A recent survey found that the cost of health benefits for employees in Wisconsin rose 14.8 percent this year, to an average of $6,940 per employee. That's 20 percent higher than the national average of $5,758 for workers in businesses with 500 or more employees.

We must curb these rapidly-increasing health care premiums. I strongly support initiatives to ensure that everyone has access to health care. It is crucial that we support successful local initiatives to reduce health care premiums and to improve the quality of employees' health care.

By using group purchasing to obtain rate discounts, some employers have been able to reduce the cost of health care premiums for their employees. According to the National Business Coalition on Health, there are more than 90 employer-led coalitions across the United States that collectively purchase health care. Through these pools, businesses are able to proactively challenge high costs and inefficient delivery of health care and share information on quality. These coalitions represent over 7,000 employers and approximately 34 million employees Nationwide.

Improving the quality of health care will also lower the cost of care. By investing in the delivery of quality health care, we will be able to lower long term health care costs. Effective care, such as quality preventive services, can reduce overall health care expenditures. Health purchasing coalitions help promote these services and act as an employer forum for networking and education on health care cost containment strategies. They can help foster a dialogue with health care providers, insurers, and local HMOs.

Health care markets are local. Problems with cost, quality, and access to health care are felt most intensely in the local markets. Health care coalitions can function best when they are formed and implemented locally. Local employers of large and small businesses have formed health care coalitions to track health care trends, create a demand for quality and safety, and encourage group purchasing.

In Wisconsin, there have been various successful initiatives that have formed health care purchasing cooperatives to improve quality of care and to reduce cost. For example, the Employer Health Care Alliance Cooperative, an employer-owned and employer-directed not-for-profit cooperative, has developed a network of health care providers in Dane County and 12 surrounding counties on behalf of its 170 member employers. Through this pooling effort, employers are able to obtain affordable, high-quality health care for their 110,000 employees and dependents.

This legislation seeks to build on successful local initiatives, such as the Alliance, that help businesses to join together to increase access to affordable and high-quality health care.

The Promoting Health Care Purchasing Cooperatives Act would authorize grants to a group of businesses so that they could form group-purchasing cooperatives to obtain enhanced benefits, reduce health care rates, and improve quality.

This legislation offers two separate grant programs to help different types of businesses pool their resources and bargaining power. Both programs would aid businesses to form cooperatives. The first program would help large businesses that sponsor their own health plans, while the second program would help small businesses that purchase their health insurance.

My bill would enable larger businesses to form cost-effective cooperatives that could offer quality health care through several ways. First, they could obtain health services through pooled purchasing from physicians, hospitals, home health agencies, and others. By pooling their experience and interests, employers involved in a coalition could better attack the essential issues, such as rising health insurance rates and the lack of comparable health care quality data. They would be able to share information regarding the quality of these services and to partner with these health care providers to meet the needs of their employees.

For smaller businesses that purchase their health insurance, the formation of cooperatives would allow them to buy health insurance at lower prices through pooled purchasing.

Also, the communication within these cooperatives would provide employees of small businesses with better information about the health care options that are available to them. Finally, coalitions would serve to promote quality improvements by facilitating partnerships between their group and the health care providers.

By working together, the group could develop better quality insurance plans and negotiate better rates.

Past health purchasing pool initiatives have focused only on cost and have tried to be all things for all people. My legislation creates an incentive to join the pools by giving grants to a group of similar businesses to form group-purchasing cooperatives. The pool are also given flexibility to find innovative ways to lower costs, such as enhancing benefits, for example, more preventive care, and improving quality. Finally, the cooperative structure is a proven model, which creates an incentive for businesses to remain in the pool because they will be invested in the organization.

We must reform health care in America and give employers and employees more options. This legislation, by providing for the formation of cost-effective coalitions that will also improve the quality of care, contributes to this essential reform process. I urge my colleagues to join me in cosponsoring this proposal to improve the quality and costs of health care.

By Mr. FEINGOLD (for himself and Mr. JEFFORDS):

S. 40. A bill to prohibit products that contain dry ultra-filtered milk products or casein from being labeled as domestic natural cheese, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. FEINGOLD. Mr. President, I am pleased to re-introduce the Quality Cheese Act of 2003. This legislation will protect the consumer, save taxpayer dollars and provide support to America's dairy farmers, who have taken a beating in the marketplace in recent years.

When Wisconsin consumers have the choice, they will choose natural Wisconsin cheese. But the Food and Drug Administration, FDA, and the U.S. Department of Agriculture, USDA, may change current law, and consumers won't know whether cheese is really all natural or not.

If the Federal Government creates a loophole for imitation cheese ingredients to be used in U.S. cheese vats, some cheese labels saying ''domestic'' and ''natural'' will no longer be truly accurate.

If USDA and FDA allow a change in Federal rules, imitation milk proteins known as milk protein concentrate, casein, or dry ultra filtered milk could be used to make cheese in place of the wholesome natural milk produced by cows in Wisconsin or other part of the U.S.

I am deeply concerned by recent efforts to change America's natural cheese standard. This effort to allow milk protein concentrate and casein into natural cheese products flies in the face of logic and could create a loophole that could allow unlimited amounts of substandard imported milk proteins to enter U.S. cheese vats.

My legislation would close this loophole and ensure that consumers could be confident that they were buying natural cheese when they saw the natural label.

Over the past decade, cheese consumption has risen at a strong pace due in part to promotional and marketing efforts and investments by dairy farmers across the country. Year after year, per capita cheese consumption has risen at a steady rate.

Recent proposals to change to our natural cheese standards, however, could decrease consumption of natural cheese. These declines could result from concerns about the origin of casein and milk protein concentrate.

The addition of this kind of milk could significantly tarnish the wholesome reputation of natural cheese in the eyes of the consumer.

This change could seriously compromise decades of work by America's dairy farmers to build up domestic cheese consumption levels. It is simply not fair to America's farmers!

Consumers have a right to know if the cheese that they buy is unnatural. And by allowing milk protein concentrate milk into cheese, we are denying consumers the entire picture.

This legislation will require that labels paint the entire picture for the consumer, and allow them enough information to select cheese made from truly natural ingredients.

Allowing MPCs or dry ultra-filtered milk into natural cheeses would also harm dairy producers throughout the United States. Some estimate that the annual effect of the change on the dairy farm sector of the economy could be more than $100 million.

The proposed change to our natural cheese standard would also harm the American taxpayer. If we allow MPCs to be used in cheese, we will effectively permit unrestricted importation of these ingredients into the United States. Because there are no tariffs and quotas on these ingredients, these heavily-subsidized products would displace natural domestic dairy ingredients.

These unnatural domestic dairy products would enter our domestic cheese market and might further depress dairy prices paid to American dairy producers. Low dairy prices result in increased costs to the dairy price support program. So, at the same time that U.S. dairy farmers would receive lower prices, the U.S. taxpayer would pay more for the dairy price support program.

This change does not benefit the dairy farmer, consumer or taxpayer. Who then is it good for?

It would benefit only unscrupulous foreign MPC producers out to make a fast buck at the expense of Americans.

This legislation addresses the concerns of farmers, consumers and taxpayers by prohibiting dry ultra-filtered milk from being included in America's natural cheese standard.

Congress must shut the door on any backdoor efforts to stack the deck against America's dairy farmers. And we must pass my legislation that prevents a loophole that would allow changes that hurt the consumer, taxpayer, and dairy farmer.

By Mr. LIEBERMAN (for himself and Mr. DASCHLE)

S. 41. A bill to strike certain provisions of the Homeland Security Act of 2002 (Public Law 107–296), and for other purposes; to the Committee on Governmental Affairs.

Mr. LIEBERMAN. Mr. President, I rise today to introduce a bill on behalf of myself and Senator DASCHLE to remedy some problems in landmark legislation passed at the end of the last Congress, and signed into law by President Bush, to establish a Department of Homeland Security. The legislation we are offering today would strike seven extraneous special interest provisions inserted into the Homeland Security Act by Republican leadership in the bill's waning hours, provisions that are contrary to the bipartisan spirit in which the Homeland Security Act was conceived.

Since the days following September 11, 2001, when terrorists viciously took the lives of 3,000 of our friends, family and fellow Americans, I have advocated establishing a Department of Homeland Security to beat the terrorist threat. Senator ARLEN SPECTER, and I initially proposed creating a new department in October 2001. Our measure was not just bipartisan. It was in fact intended to be nonpartisan.

Unfortunately, some partisan battles did ensue, primarily regarding longstanding civil service protections for homeland security workers, and I remain very concerned about the potential impact of these provisions. Nevertheless, the final bill was, for the most part, a critical, well-constructed piece of legislation that incorporated the majority of the provisions approved by the Governmental Affairs Committee, and which an overwhelming majority of the Senate embraced.

In some very specific ways, however, the bill was flawed. In the final stages of passing the bill, the Republican leadership hastily inserted several special interest provisions that had no place in this measure. Most of these provisions had never been in any version of the legislation before the Senate before they were presented in a take-it-or-leave-it package by Republicans, and several had not been considered by either chamber. The method and spirit in which these provisions found their way into what should have been a consensus piece of legislation was utterly objectionable and Senator DASCHLE and I made an effort to remove them at the time. That effort narrowly failed, but not before news of these special interest provisions had created great consternation for Democrats and the public, and even for some Republicans. Indeed, according to numerous published reports, the Republican leadership was able to muster the votes to preserve the provisions only after promising to revisit at least some of the most egregious additions during this session of Congress.

I believe that the seven extraneous provisions my legislation targets hurt the Homeland Security Act as it was finally passed by the Congress and signed by the President. And I believe that, by attaching these measures to what could have and should have been a common cause, the Republican leadership all but admitted that the provisions cannot withstand independent scrutiny. Following are the provisions my bill would strike.

First, perhaps the most egregious add-on to the Homeland Security Act

was a provision that dramatically alters the way certain vaccine preservatives are treated for liability purposes under the law. To quickly summarize this very complicated issue, children who are hurt by childhood vaccines generally may not go directly to court to hold vaccine manufacturers liable. Instead, they have to go first to what's called the Federal Vaccine Injury Compensation Program, which offers compensation for some of these claims. Parents argued, however, that the bar on lawsuits didn't use to apply to claims regarding faulty vaccine additives.

These seemingly arcane legal distinctions were particularly important to a large number of parents of autistic children who have attributed their children's autism to thimerosal, a mercury-based preservative that used to be in some childhood vaccines. These parents sued the manufacturers of both vaccines and thimerosal, and they had many lawsuits pending in the courts as of last Fall.

If you are wondering what any of this has to do with Homeland Security, you are doing exactly what we all did last November when in the waning days of debate on the Homeland Security bill, a provision addressing this issue appeared for the very first time in any version of the bill. That provision fundamentally altered the way vaccine additive claims would be treated from then on. With the swoop of a pen, the pending additive lawsuits against both vaccine and additive manufacturers were thrown out of court and, the provision's supporters alleged, sent into the compensation fund.

As I said last Fall, I don't know whether there is any relationship between thimerosal and autism. I also don't know whether these cases really should be resolved in court or through the compensation fund. But I do know that figuring out where and how to resolve these claims is a very contentious, complex and challenging task, and is just one part of addressing broader problems with the vaccine compensation system. For example, the vaccine compensation fund's viability may be affected by the addition of claims regarding these additives. I also know that it is an issue that the committees of jurisdiction had been struggling with for a long time and that they should have been left to resolve. And I certainly know that a last second addition to the Homeland Security Act was absolutely the wrong way to deal with this issue and the wrong bill to use to take so many injured parents' and children's legal rights away. Indeed, we know that even more now, as it has become clear that while the provision closed the courthouse door to autistic children, it apparently didn't open the compensation fund window as its supporters said it would—because it didn't make the changes to either the fund's statute of limitations or to governing tax code provisions that would be necessary to obtain access to the fund for these cases.

The bottom line is that this was a wrong and poorly conceived provision to put in the Homeland Security bill—something I thought even the Republican leadership acknowledged when they were forced to make promises to get rid of this provision in order to save their bill. We should scrap it now, and let the committee of jurisdiction undertake a careful review and, I hope, get it right this time.

My legislation would also strike from the Act a measure that requires the Transportation Security Oversight Board to ratify within 90 days emergency security regulations issued by the Transportation Security Agency. If the oversight board does not ratify the regulations, they would automatically lapse. Despite the TSA having decided that they are necessary, 90 days later, lacking the board's approval, they'd disappear.

This doesn't make any sense. In the current climate, shouldn't we be trying to find new ways to expedite and implement TSA rules, not always to disrupt and derail them? This provision is contrary to new procedures that the Senate passed in 2001 in the aviation security bill. Under that law, regulations go into effect and remain in effect unless they are affirmatively disapproved by the Board. I think that's a better system.

Another provision would extend liability protection to companies that provided passenger and baggage screening in airports on September 11.

But we in the Senate decided against extending such liability protection in at least two different contexts. First, the airline bailout bill limited the liability of the airlines, but not of the security screeners, due to ongoing concerns about their role leading up to September 11. Then, the conference report on the Transportation Security bill extended the liability limitations to others who might have been the target of lawsuits, such as aircraft manufacturers and airport operators, but again not to the baggage and passenger screeners.

Like that little mole you hit with the mallet in a whack-a-mole game, somehow this provision reappeared in the Homeland Security Act. We must strike it.

Another unnecessary and overreaching provision I seek to strike gives the Secretary of the new department broad authority to designate certain technologies as so-called ''qualified antiterrorism technologies.'' His granting of this designation, which appears to be unilateral, and probably not subject to review by anyone, would entitle companies selling that technology to broad liability protection from any claim arising out of, relating to, or resulting from an act of terrorism, no matter how negligently, or even wantonly and willfully, the company acted.

This provision seems to say that in many cases, the plaintiff can't recover anything from the seller unless an injured plaintiff can prove that the seller of the product that injured him or her acted fraudulently or with willful misconduct in submitting information to the Secretary when the Secretary was deciding whether to certify the product.

Even in cases where a seller isn't entitled to the benefit of that protection, the company still isn't fully, or in many cases even partially, responsible for its actions, even if it knew there was something terribly wrong with its product. Perhaps worst of all, this measure caps the seller's liability at the limits of its insurance policy. In other words, if injured people were lucky enough to get through the first hurdle and even hold a faulty seller liable, they still could go completely uncompensated even if a liable seller has more than enough money to compensate them.

The Homeland Security Act unwisely and unnecessarily allows the Secretary to exempt the new department's advisory committees from the open meetings requirements and other requirements of the Federal Advisory Committee Act, FACA.

Agencies throughout government make use of advisory committees that function under these open meetings requirements. Existing law is careful to protect discussions and documents that involve sensitive information, in fact, the FACA law currently applies successfully to the Department of Defense, the Department of Justice, the State Department, even the secretive National Security Agency.

So why should the Department of Homeland Security be allowed to exempt its advisory committees from its requirements? Why should its advisory committees be allowed to meet in total secret with no public knowledge?

We all say that we're for ''good government,'' for openness, integrity, and accountability. But as it now stands, few of us will be able to say with confidence that the new department's advisory committees are designed to be as independent, balanced, and transparent as possible. I know full well that the Homeland Security Department will deal with sensitive information involving life and death, but so does the National Security Agency. So does the FBI. So does the Department of Defense. Their advisory committees aren't allowed to hide themselves away from the public.

Finally, our legislation would alter a provision in the Act creating a university-based homeland security research center. Now, I have nothing against creating a university research center focused on homeland security.

But there's a problem with this particular provision as it is written. The research center that it would create is described so narrowly, through 15 specific criteria, that it appears Texas A&M University has the inside track, to say the least, to get the funding and house the center.

Science in this country has thrived over the years because, by and large,

Congress has refused to intervene in science decisions. Science has thrived through peer review and competition over the best proposals—which are fundamentals of federal science policy. We are violating them here. This is nothing short of ''science pork.''

When it comes to making these research funding decisions, we need a playing field that's truly level, not one that only looks level when you tilt your head.

Our legislation keeps the university-based science center program. However, it removes the highly-specific criteria that appear to direct it to a particular university. That's the way we'll get the best science, not by making Congressional allocations to particular institutions.

I'm extremely pleased we have created a Department of Homeland Security and plan to do everything I can to help ensure its success. But these flaws are real. They are serious. And they are utterly unnecessary. 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. 41

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

SECTION 1. AMENDMENTS TO THE HOMELAND SECURITY ACT OF 2002.

(a) STRICKEN PROVISIONS.—

(1) IN GENERAL.—The Homeland Security Act of 2002 (Public Law 107–296) is amended—

(A) in section 308(b)(2) by striking subparagraph (B) and inserting the following:

''(B) CRITERIA FOR SELECTION.—In selecting colleges or universities as centers for homeland security, the Secretary shall consider demonstrated expertise in interdisciplinary public policy research and communication outreach regarding science, technology, and public policy.'';

(B) in section 311—

(i) by striking subsection (i); and

(ii) redesignating subsection (j) as subsection (i);

(C) in title VIII, by striking subtitle G;

(D) by striking section 871;

(E) by striking section 890;

(F) by striking section 1707; and

(G) by striking sections 1714, 1715, 1716, and 1717.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—The table of contents for the Homeland Security Act of 2002 (Public Law 107–296) is amended by striking the items relating to subtitle G of title VIII, and sections 871, 890, 1707, 1714, 1715, 1716, and 1717.

(b) ADVISORY GROUPS.—Section 232(b) of the Homeland Security Act of 2002 (Public Law 107–296) is amended by striking paragraph (2) and inserting the following:

''(2) To establish and maintain advisory groups to assess the law enforcement technology needs of Federal, State, and local law enforcement agencies.''.

(c) WAIVERS RELATING TO CONTRACTS WITH CORPORATE EXPATRIATES.—Section 835 of the Homeland Security Act of 2002 (Public Law 107–296) is amended by striking subsection (d) and inserting the following:

''(d) WAIVERS.—The Secretary shall waive subsection (a) with respect to any specific contract if the Secretary determines that the waiver is required in the interest of homeland security.''.

(d) EFFECTIVE DATE.—The amendments made by this Act shall take effect as though enacted as part of the Homeland Security Act of 2002 (Public Law 107–296).

By Mr. FEINGOLD:

S. 42. A bill to amend the Agricultural Adjustment Act to prohibit the Secretary of Agriculture from basing minimum prices for Class I milk on the distance or transportation costs from any location that is not within a marketing area, except under certain circumstances, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. FEINGOLD. Mr. President, I rise today to offer a measure which could serve as a first step towards eliminating the inequities borne by the dairy farmers of Wisconsin and the upper Midwest under the Federal Milk Marketing Order system.

The Federal Milk Marketing Order system, created nearly 60 years ago, establishes minimum prices for milk paid to producers throughout various marketing areas in the U.S. For sixty years, this system has discriminated against producers in the Upper Midwest by awarding a higher price to dairy farmers in proportion to the distance of their farms from Eau Claire, Wisconsin.

My legislation is very simple. It identifies the single most harmful and unjust feature of the current system, and corrects it. Under the current archaic law, the price for fluid milk increases depending on the distance from Eau Claire, Wisconsin, even though most local milk markets do not receive any milk from Wisconsin.

The bill I introduce today would prohibit the Secretary of Agriculture from using distance or transportation costs from any location as the basis for pricing milk, unless significant quantities of milk are actually transported from that location into the recipient market. The Secretary will have to comply with the statutory requirement that supply and demand factors be considered as specified in the Agricultural Marketing Agreement Act when setting milk prices in marketing orders. The fact remains that single-basing-point pricing simply cannot be justified based on supply and demand for milk both in local and national markets.

This bill also requires the Secretary to report to Congress on specifically which criteria are used to set milk prices. Finally, the Secretary will have to certify to Congress that the criteria used by the Department do not in any way attempt to circumvent the prohibition on using distance or transportation cost as basis for pricing milk.

This one change is so crucial to Upper Midwest producers, because the current system has penalized them for many years. The current system provides disparate profits for producers in other parts of the country and creating artificial economic incentives for milk production. As a result, Wisconsin producers have seen national surpluses rise, and milk prices fall. Rather than providing adequate supplies of fluid milk, the prices have led to excess production.

The prices have provided production incentives beyond those needed to ensure a local supply of fluid milk in some regions, leading to an increase in manufactured products in those marketing orders. Those manufactured products directly compete with Wisconsin's processed products, eroding our markets and driving national prices down.

The perverse nature of this system is further illustrated by the fact that since 1995 some regions of the U.S., notably the Central states and the Southwest, are producing so much milk that they are actually shipping fluid milk north to the Upper Midwest. The high fluid milk prices have generated so much excess production, that these markets distant from Eau Claire are now encroaching upon not only our manufactured markets, but also our markets for fluid milk, further eroding prices in Wisconsin.

The market-distorting effects of the fluid price differentials in Federal orders are manifest in the Congressional Budget Office estimate that eliminating the orders would save $669 million over five years. Government outlays would fall, CBO concludes, because production would fall in response to lower milk prices and there would be fewer government purchases of surplus milk. The regions that would gain and lose in this scenario illustrate the discrimination inherent to the current system. Economic analyses show that farm revenues in a market undisturbed by Federal orders would actually increase in the Upper Midwest and fall in most other milk-producing regions.

While this system has been around since 1937, the practice of basing fluid milk price differentials on the distance from Eau Claire was formalized in the 1960's, when the Upper Midwest arguably was the primary reserve for additional supplies of milk. The idea was to encourage local supplies of fluid milk in areas of the country that did not traditionally produce enough fluid milk to meet their own needs.

That is no longer the case. The Upper Midwest is not the primary source of reserve supplies of milk. Unfortunately, the prices didn't adjust with changing economic conditions, most notably the shift of the dairy industry away from the Upper Midwest and towards the Southwest, and specifically California, which now leads the Nation in milk production.

The result of this antiquated system has been a decline in the Upper Midwest dairy industry, not because it can't produce a product that can compete in the market place, but because the system discriminates against it. Today, Wisconsin loses dairy farmers at a rate of more than 5 per day. The Upper Midwest, with the lowest fluid milk prices, is shrinking as a dairy region despite the dairy-friendly climate

of the region. Other regions with higher fluid milk prices are growing rapidly.

In an free market with a level playing field, these shifts in production might be fair. But in a market where the government is setting the prices and providing that artificial advantage to regions outside the Upper Midwest, the current system is unconscionable.

I urge my colleagues to do the right thing and bring reform to this out dated system and work to eliminate the inequities in the current milk marketing order pricing system.

By Mr. FEINGOLD:

S. 43. A bill to allow modified bloc voting by cooperative associations of milk producers in connection with a referendum on Federal Milk Marketing Order reform; to the Committee on Agriculture, Nutrition and Forestry.

Mr. FEINGOLD. Mr. President, I rise to re-introduce a measure that will begin to restore democracy for dairy farmers throughout the Nation.

When dairy farmers across the country voted on a referendum four years ago, perhaps the most significant change in dairy policy in sixty years, they didn't actually get to vote. Instead, their dairy marketing cooperatives cast their votes for them.

This procedure is called ''bloc voting'' and it is used all the time. Basically, a Cooperative's Board of Directors decides that, in the interest of time, bloc voting will be implemented for that particular vote. It may serve the interest of time, but not always in the interest of their producer owner-members.

I do think that bloc voting can be a useful tool in some circumstances, but I have serious concerns about its use in every circumstance. Farmers in Wisconsin and in other states tell me that they do not agree with their Cooperative's view on every vote. Yet, they have no way to preserve their right to make their single vote count.

After speaking to farmers and officials at USDA, I have learned that if a Cooperative bloc votes, individual members simply have no opportunity to voice opinions separately. That seems unfair when you consider what significant issues may be at stake. Coops and their members do not always have identical interests. We shouldn't ask farmers to ignore that fact.

The Democracy for Dairy Producers Act of 2003 is simple and fair. It provides that a cooperative cannot deny any of its members a ballot if one or two or ten or all of the members chose to vote on their own.

This will in no way slow down the process at USDA; implementation of any rule or regulation would proceed on schedule. Also, I do not expect that this would often change the final outcome of any given vote. Coops could still cast votes for their members who do not exercise their right to vote individually. And to the extent that coops represent farmers interest, farmers are likely to vote along with the coops, but whether they join the coops or not, farmers deserve the right to vote according to their own views.

I urge my colleagues to return the democratic process to America's farmers, by supporting the Democracy for Dairy Producers Act.

By Mr. FEINGOLD (for himself and Ms. CANTWELL):

S. 44. A bill to amend the Internal Revenue Code of 1986 to repeal the percentage depletion allowance for certain hardrock mines, and for other purposes; to the Committee on Finance.

Mr. FEINGOLD. Mr. President, today I am reintroducing legislation to eliminate from the Federal Tax Code percentage depletion allowances for hardrock minerals mined on Federal public lands. I am pleased that the Senator from Washington, Ms. CANTWELL, is joining me as an original cosponsor.

President Clinton proposed the elimination of the percentage depletion allowance on public lands in his FY 2001 budget. President Clinton's FY 2001 budget estimated that, under this legislation, income to the Federal treasury from the elimination of percentage depletion allowances for hardrock mining on public lands would total $487 million over 5 years and $1.20 billion over 10 years. The Joint Committee on Taxation estimated that it would save $410 million over 5 years and $823 million over 10 years. These savings are calculated as the excess amount of Federal revenues above what would be collected if depletion allowances were limited to sunk costs in capital investments. Percentage depletion allowances are contained in the tax code for extracted fuel, minerals, metal and other mined commodities. These allowances have a combined value, according to estimates by the Joint Committee on Taxation, of $4.8 billion.

These percentage depletion allowances were initiated by the Corporation Excise Act of 1909. That's right, these allowances were initiated nearly one hundred years ago. Provisions for a depletion allowance based on the value of the mine were made under a 1912 Treasury Department regulation, but difficulty in applying this accounting principle to mineral production led to the initial codification of the mineral depletion allowance in the Tariff Act of 1913. The Revenue Act of 1926 established percentage depletion much in its present form for oil and gas. The percentage depletion allowance was then extended to metal mines, coal, and other hardrock minerals by the Revenue Act of 1932, and has been adjusted several times since.

Percentage depletion allowances were historically placed in the Tax Code to reduce the effective tax rates in the mineral and extraction industries far below tax rates on other industries, providing incentives to increase investment, exploration and output. Percentage depletion also makes it possible, however, to recover many times the amount of the original investment.

There are two methods of calculating a deduction to allow a firm to recover the costs of its capital investment: cost depletion, and percentage depletion. Cost depletion allows for the recovery of the actual capital investment, the costs of discovering, purchasing, and developing a mineral reserve, over the period during which the reserve produces income. Using cost depletion, a company would deduct a portion of its original capital investment minus any previous deductions, in an amount that is equal to the fraction of the remaining recoverable reserves. Under this method, the total deductions cannot exceed the original capital investment.

Under percentage depletion, however, the deduction for recovery of a company's investment is a fixed percentage of ''gross income,'' namely, sales revenue—from the sale of the mineral. Under this method, total deductions typically exceed, let me be clear on that point, exceed the capital that the company invested.

The rates for percentage depletion are quite significant. Section 613 of the U.S. Code contains depletion allowances for more than 70 metals and minerals, at rates ranging from 10 to 22 percent.

In addition to repealing the percentage depletion allowances for minerals mined on public lands, my bill would also create a new fund, called the Abandoned Mine Reclamation Fund. One fourth of the revenue raised by the bill, or approximately $120 million dollars, would be deposited into an interest bearing fund in the Treasury to be used to clean up abandoned hardrock mines in states that are subject to the 1872 Mining Law. The Mineral Policy Center estimates that there are 557,650 abandoned hardrock mine sites nationwide and the cost of clearing them up will range from $32.7 billion to $71.5 billion.

There are currently no comprehensive Federal or State programs to address the need to clean up old mine sites. Reclaiming these sites requires the enactment of a program with explicit authority to clean up abandoned mine sites and the resources to do it. My legislation is a first step toward providing the needed authority and resources.

In today's budget climate we are faced with the question of who should bear the costs of exploration, development, and production of natural resources: all taxpayers, or the users and producers of the resource? For more than a century, the mining industry has been paying next to nothing for the privilege of extracting minerals from public lands and then abandoning its mines. Now those mines are adding to the nation's environmental and financial burdens. We face serious budget choices this fiscal year, yet these subsidies remain persistent tax expenditures that raise the deficit for all citizens or shift a greater tax burden to

other taxpayers to compensate for the special tax breaks provided to the mining industry.

The measure I am introducing is fairly straightforward. It eliminates the percentage depletion allowance for hardrock minerals mined on public lands while continuing to allow companies to recover reasonable cost depletion.

Though at one time, there may have been an appropriate role for a government-driven incentive for enhanced mineral production, there is now sufficient reason to adopt a more reasonable depletion allowance that is consistent with depreciation rates given to other businesses.

The time has come for the Federal Government to get out of the business of subsidizing one business over another. We can no longer afford its costs in dollars or its cost to the health of our citizens. This legislation is one step toward the goal of ending these corporate welfare subsidies.

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

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

S. 44

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Elimination of Double Subsidies for the Hardrock Mining Industry Act of 2003''.

SEC. 2. REPEAL OF PERCENTAGE DEPLETION ALLOWANCE FOR CERTAIN HARDROCK MINES.

(a) IN GENERAL.—Section 613(a) of the Internal Revenue Code of 1986 (relating to percentage depletion) is amended by inserting ''(other than hardrock mines located on lands subject to the general mining laws or on land patented under the general mining laws)'' after ''In the case of the mines''.

(b) GENERAL MINING LAWS DEFINED.—Section 613 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''(f) GENERAL MINING LAWS.—For purposes of subsection (a), the term ''general mining laws'' means those Acts which generally comprise chapters 2, 12A, and 16, and sections 161 and 162 of title 30 of the United States Code.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 3. ABANDONED MINE RECLAMATION FUND.

(a) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to establishment of trust funds) is amended by adding at the end the following:

''SEC. 9511. ABANDONED MINE RECLAMATION FUND.

''(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Abandoned Mine Reclamation Trust Fund' (in this section referred to as 'Trust Fund'), consisting of such amounts as may be appropriated or credited to the Trust Fund as provided in this section or section 9602(b).

''(b) TRANSFERS TO TRUST FUND.—There are hereby appropriated to the Trust Fund amounts equivalent to 25 percent of the additional revenues received in the Treasury by reason of the amendments made by section 2 of the Elimination of Double Subsidies for the Hardrock Mining Industry Act of 2003.

''(c) EXPENDITURES FROM TRUST FUND.—

''(1) IN GENERAL.—Amounts in the Trust Fund shall be available, as provided in appropriation Acts, to the Secretary of the Interior for—

''(ii) for which the Secretary of the Interior makes a determination that there is no continuing reclamation responsibility under State or Federal law, and

''(iii) for which it can be established to the satisfaction of the Secretary of the Interior that such lands or resources do not contain minerals which could economically be extracted through remining of such lands or resources.

''(B) CERTAIN SITES AND AREAS EXCLUDED.—The lands and water resources described in this paragraph shall not include sites and areas which are designated for remedial action under the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7901 et seq.) or which are listed for remedial action under the Comprehensive Environmental Response Compensation and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

''(3) GENERAL MINING LAWS.—For purposes of paragraph (2), the term 'general mining laws' means those Acts which generally comprise chapters 2, 12A, and 16, and sections 161 and 162 of title 30 of the United States Code.''.

(b) CONFORMING AMENDMENT.—The table of sections for subchapter A of chapter 98 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''Sec. 9511. Abandoned Mine Reclamation Trust Fund.''.

By Mr. FEINGOLD (for himself and Ms. COLLINS):

S. 45. A bill to make changes to the Office for State and Local Government Coordination, Department of Homeland Security; to the Committee on Governmental Affairs.

Mr. FEINGOLD. Mr. President I rise today with my colleague from Maine to introduce legislation to help first responders do what they do so well, protect our communities in an emergency.

The Department of Homeland Security will create a massive shift in the Federal Government. Nobody will feel the impact of this shift more than the brave men and women who work in law enforcement, as firefighters, as rescue workers, as emergency medical service providers, and in capacities as first responders.

We must make sure that these first responders have the resources that they need.

While I commend the Administration for raising the funding dedicated to first responders in the President's budget, I am concerned that new layers of bureaucracy and reorganization could reduce these funding levels, or just as harmful, put up barriers to first responders actually receiving these funds.

The Federal agencies in the proposed Department of Homeland Security must listen to the priorities of our communities. After all, the needs of first responders vary between regions, as well as between rural and urban communities. In Wisconsin, I have heard needs ranging from training to equipment to more emergency personnel in the field, just to name a few.

My legislation would promote effective coordination among Federal agencies under the Department of Homeland Security and ensure that our first responders, our firefighters, law enforcement, rescue, and EMS providers, can help Federal agencies and the new Department of Homeland Security to improve existing programs and future initiatives.

It would first establish a Federal Liaison on Homeland Security in each state and coordinate between the Department of Homeland Security and state and local first responders.

This office would serve not only as an avenue to exchange ideas, but also as a resource to ensure that the funding and programs are effective.

For example, my hope is that the Homeland Security Department will make programs such as the Fire Act a high priority. The Fire Act provides grants directly to fire departments across our nation for training and equipment needs. I recently visited one excellent example of this program in West Allis, Wisconsin, where the Department received a grant in 2001 to implement a wellness and fitness program for their firefighters. I am told that it is one of the first departments in the State to meet the goals of this program, and I commend the department for its efforts.

My legislation would also direct the agencies within the Department of Homeland Security to coordinate and prioritize their activities that support first responders, and at the same time, ensure effective use of taxpayer dollars.

As part of this coordination, the First Responders Support Act establishes a new advisory committee of those in the first responder community to identify and streamline effective programs.

Last year, both the original Senate and House homeland security bills lacked the provisions needed to ensure that the new Department of Homeland Security communicates and coordinates effectively with first responders.

During the Senate Governmental Affairs Committee mark-up of the Homeland Security bill, the Committee added our First Responders Support Act to the legislation. They did so knowing that we would have to reconcile the overlap between our legislation and the language in the Chairman's mark creating an office for state and local government coordination. Our amendment, which was approved by the full Senate, did just that. Unfortunately, our proposal was dropped from the final bill during backroom negotiations.

Because of this omission, I promised to make enacting this legislation one of our top priorities this Congress. That's why we are re-introducing this legislation today.

We must be aggressive in seeking the advice of our first responders, and helping them get the resources that they need to provide effective services. They are on the front lines, and deserve our strong support.

In almost any disaster, the local first responders and health care providers play an indispensable role. If the Department of Homeland Security is to be effective, we need to ensure that the resources are delivered to the front line personnel in an effective and coordinated manner. I urge my colleagues to join me in cosponsoring this proposal and support our first responders.

By Mr. FEINGOLD (for himself, Mr. KOHL, and Mr. WYDEN):

S. 47. A bill to terminate operation of the Extremely Low Frequency Communication System of the Navy; to the Committee on Armed Services.

Mr. FEINGOLD. Mr. President, today I am reintroducing legislation that would terminate the operation of the Navy's Extremely Low Frequency communications system, Project ELF, which is located in Clam Lake, WI, and Republic, MI.

I would like to thank the senior Senator from Wisconsin, Mr. KOHL, and the Senator from Oregon, Mr. WYDEN, for cosponsoring this bill.

Project ELF is a Cold War relic that was designed to send short one-way messages to ballistic and attack submarines that are submerged in deep waters. The bill that I am introducing today would terminate operations at Project ELF, while maintaining the infrastructure in Wisconsin and Michigan in the event that a resumption in operations becomes necessary.

Project ELF is ineffective and unnecessary in the post-Cold War era. This antiquated system does not facilitate the rapid mobilization that our military says it needs to respond to current threats from weapons of mass destruction. The horrific attacks of September 11, 2001, emphasized the need for rapid, reliable two-way communications. Since ELF cannot transmit detailed messages, it serves as an expensive ''beeper'' system to tell submarines to come to the surface to receive messages from other sources, and the subs cannot send a return message to ELF in the event of an emergency. It takes ELF four minutes to send a three-letter message to a deeply submerged submarine.

With the end of the Cold War, Project ELF becomes harder and harder to justify. Our submarines no longer need to take that extra precaution against Soviet nuclear forces. They can now surface on a regular basis with less danger of detection or attack. They can also receive more complicated messages through very low frequency, VLF, radio waves or lengthier messages through satellite systems. Taxpayers should not be asked to continue to pay for what amounts to a beeper system that tells our submarines to come to the surface to receive orders from another, more sophisticated source.

Further, continued operation of this facility is opposed by most residents in my state. The members of the Wisconsin delegation have fought hard for years to close down Project ELF. I have introduced legislation during each Congress since taking office in 1993 to terminate it, and I have recommended it for closure to the Base Realignment and Closure Commission.

Project ELF has had a turbulent history. Since the idea for ELF was first proposed in 1958, the project has been changed or canceled several times. Residents of Wisconsin have opposed ELF since its inception, but for years we were told that the national security considerations of the Cold War outweighed our concerns about this installation in our State. Ironically, this system became fully operational in 1989, the same year the tide of democracy began to sweep across Eastern Europe and the Soviet Union. Now, fourteen years later, the hammer and sickle has fallen and the Russian submarine fleet is in disarray. But Project ELF still remains as a constant, expensive reminder to the people of my State that many at the Department of Defense remain focused on the past.

There also continue to be a number of public health and environmental concerns associated with Project ELF. For almost two decades, we have received inconclusive data on this project's effects on Wisconsin and Michigan residents. In 1984, a U.S. District Court ordered that ELF be shut down because the Navy paid inadequate attention to the system's possible health effects and violated the National Environmental Policy Act. Interestingly, that decision was overturned because U.S. national security, at the time, prevailed over public health and environmental concerns.

Numerous medical studies point to a possible link between exposure to extremely low frequency electromagnetic fields and a variety of human health effects and abnormalities in both animal and plant species.

In 1999, after six years of research, the National Institute of Environmental Health Sciences released a report that did not prove conclusively a link between electromagnetic fields and cancer, but the report did not disprove it, either. Serious questions remain, and many of my constituents are rightly concerned about this issue.

In addition, I have heard from a number of dairy farmers who are convinced that the stray voltage associated with ELF transmitters has demonstrably reduced milk production. As we continue our efforts to return to a sustainable balanced federal budget, and as the Department of Defense continues to struggle to address readiness and other concerns, it is clear that outdated programs such as Project ELF should be closed down.

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

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

S. 47

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

SECTION 1. TERMINATION OF OPERATION OF EXTREMELY LOW FREQUENCY COMMUNICATION SYSTEM.

(a) TERMINATION REQUIRED.—The Secretary of the Navy shall terminate the operation of the Extremely Low Frequency Communication System of the Navy.

(b) MAINTENANCE OF INFRASTRUCTURE.—The Secretary shall maintain the infrastructure necessary for resuming operation of the Extremely Low Frequency Communication System.

By Mr. FEINGOLD:

S. 48. A bill to repeal the provisions of law that provides automatic pay adjustments for Members of Congress; to the Committee on Governmental Affairs

Mr. FEINGOLD. Mr. President, I am pleased to reintroduce legislation that would put an end to automatic cost-of-living adjustments for Congressional pay.

As my Colleagues are aware, it is an unusual thing to have the power to raise our own pay. Few people have that ability. Most of our constituents do not have that power. And that this power is so unusual is good reason for the Congress to exercise that power openly, and to exercise it subject to regular procedures that include debate, amendment, and a vote on the record.

Regrettably, current law permits Members to avoid such an open procedure. All that is necessary for Congress to get a pay raise is that nothing be done to stop it. Unless Congress affirmatively acts, the annual pay raise takes effect.

This stealth pay raise technique began with a change Congress enacted in the Ethics Reform Act of 1989. In section 704 of that Act, Members of Congress voted to make themselves entitled to an annual raise equal to half a percentage point less than the employment cost index, one measure of inflation.

On occasion, Congress has voted to deny itself the raise. Traditionally, this has been done on the Treasury-Postal appropriations bill. But that vehicle is not always made available to those who want a public debate and vote on the matter. In one instance, the Treasury-Postal bill was slipped into the conference report on the Legislative Branch appropriations bill, and thus completely shielded from amendment. And during 2002, the Senate did not consider the Treasury-Postal bill at all.

This makes getting a vote on the annual congressional pay raise a haphazard affair at best. And it should not be that way. No one should have to force a debate and public vote on the pay raise. On the contrary, Congress should have to act if it decides to award itself a hike in pay. This process of pay raises without accountability must end.

The question of how and whether Members of Congress can raise their own pay was one that our Founders considered from the beginning of our Nation. In August of 1789, as part of the package of 12 amendments advocated

by James Madison that included what has become our Bill of Rights, the House of Representatives passed an amendment to the Constitution providing that Congress could not raise its pay without an intervening election. Almost 214 years ago, on September 9, 1789, the Senate passed that amendment. In late September of 1789, Congress submitted the amendments to the States.

Although the amendment on pay raises languished for two centuries, in the 1980s, a campaign began to ratify it. While I was a member of the Wisconsin State Senate, I was proud to help ratify the amendment. Its approval by the Michigan legislature on May 7, 1992, gave it the needed approval by three-fourths of the States.

The 27th Amendment to the Constitution now states: 'No law, varying the compensation for the services of the senators and representatives, shall take effect, until an election of representatives shall have intervened.''

I try to honor that limitation in my own practices. In my own case, throughout my 6-year term, I accept only the rate of pay that Senators receive on the date on which I was sworn in as a Senator. And I return to the Treasury any additional income Senators get, whether from a cost-of-living adjustment or a pay raise we vote for ourselves. I don't take a raise until my bosses, the people of Wisconsin, give me one at the ballot box. That is the spirit of the 27th Amendment. The stealth pay raises like the one that Congress allowed last year, at a minimum, certainly violate the spirit of that amendment.

This practice must end. To address it, I am reintroducing this bill to end the automatic cost-of-living adjustment for Congressional pay. Senators and Congressmen should have to vote up-or-down to raise Congressional pay. My bill would simply require us to vote in the open. We owe our constituents no less.

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. 48

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

SECTION 1. ELIMINATION OF AUTOMATIC PAY ADJUSTMENTS FOR MEMBERS OF CONGRESS.

(a) IN GENERAL.—Paragraph (2) of section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 601(a)(1) of such Act is amended—

(1) by striking ''(a)(1)'' and inserting ''(a)'';

(2) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively; and

(3) by striking ''as adjusted by paragraph (2) of this subsection'' and inserting ''adjusted as provided by law''.

(c) EFFECTIVE DATE.—This section shall take effect on February 1, 2005.

By Mr. FEINGOLD:

S. 49. A bill to reduce the deficit of the United States; to the Committee on Energy and Natural Resources.

Mr. FEINGOLD. Mr. President, today I am introducing a measure aimed at curbing wasteful spending. In the face of our return to Federal deficits, we must prioritize and eliminate programs that can no longer be sustained with limited Federal dollars, or where a more cost-effective means of fulfilling those functions can be substituted. The measure that I introduce today eliminates or modifies three Federal programs: it establishes a means test for large agribusinesses receiving subsidized water from the Bureau of Reclamation, it terminates the Uniformed Services University of the Health Sciences, USUHS, a medical school run by the Department of Defense, and it ends the future production of submarine launched D5 missiles, commonly known as the Trident II missiles. Eliminating or reforming these three programs would save the taxpayers in excess of $8 billion over ten years.

The irrigation means test provision is drawn from legislation that I that have sponsored in previous Congresses to reduce the amount of Federal irrigation subsidies received by large agribusiness interests. I believe that reforming Federal water pricing policy by reducing subsidies is important as a means to achieve our broader objectives of achieving a truly balanced budget. This legislation is also needed to curb fundamental abuses of reclamation law that cost the taxpayer millions of dollars every year.

In 1901, President Theodore Roosevelt proposed legislation, which came to be known as the Reclamation Act of 1902, to encourage development of family farms throughout the western United States. The idea was to provide needed water for areas that were otherwise dry and give small farms, those no larger than 160 acres, a chance, with a helping hand from the Federal Government, to establish themselves. According to a 1996 General Accounting Office report, since the passage of the Reclamation Act, the Federal Government has spent $21.8 billion to construct 133 water projects in the west which provide water for irrigation. Agribusinesses, and other project beneficiaries, are required under the law to repay to the Federal Government their allocated share of the costs of constructing these projects.

As a result of the subsidized financing provided by the Federal Government, however, some of the beneficiaries of Federal water projects repay considerably less than their full share of these costs. According to the 1996 GAO report, agribusinesses generally receive the largest amount of Federal financial assistance. Since the initiation of the irrigation program in 1902, construction costs associated with irrigation have been repaid without interest. The GAO further found, in reviewing the Bureau of Reclamation's financial reports, that $16.9 billion, or 78 percent, of the $21.8 billion of Federal investment in water projects is considered to be reimbursable. Of the reimbursable costs, the largest share, $7.1 billion, is allocated to irrigation interests. GAO also found that the Bureau of Reclamation will likely shift $3.4 billion of the debt owed by agribusinesses to other users of the water projects for repayment.

There are several reasons why large agribusinesses continue to receive such significant subsidies. Under the Reclamation Reform Act of 1982, Congress acted to expand the size of the farms that could receive subsidized water from 160 acres to 960 acres. The RRA of 1982 expressly prohibits farms that exceed 960 acres in size from receiving federally-subsidized water. These restrictions were added to the Reclamation law to close loopholes through which Federal subsidies were flowing to large agribusinesses rather than the small family farmers that Reclamation projects were designed to serve. Agribusinesses were expected to pay full cost for all water received on land in excess of their 960 acre entitlement.

Despite the express mandate of Congress, regulations promulgated under the Reclamation Reform Act of 1982 have failed to keep big agricultural water users from receiving Federal subsidies. The General Accounting Office and the Inspector General of the Department of the Interior continue to find that the acreage limits established in law are circumvented through the creation of arrangements such as farming trusts. These trusts, which in total acreage well exceed the 960 acre limit, are comprised of smaller units that are not subject to the reclamation acreage cap. These smaller units are farmed under a single management agreement often through a combination of leasing and ownership.

The Department of the Interior has acknowledged that these trusts do exist. Interior published a final rulemaking in 1998 to require farm operators who provide services to more than 960 nonexempt acres westwide, held by a single trust or legal entity or any combination of trusts and legal entities to submit RRA forms to the district(s) where such land is located. Water districts are now required to provide specific information about farm operators to Interior annually. This information is an important step toward enforcing the legislation that I am reintroducing today.

My legislation combines various elements of proposals introduced by other members of Congress to close loopholes in the 1982 legislation and to impose a $500,000 means-test. This new approach limits the amount of subsidized irrigation water delivered to any operation in excess of the 960 acre limit which claimed $500,000 or more in gross income, as reported on its most recent IRS tax form. If the $500,000 threshold were exceeded, an income ratio would

be used to determine how much of the water should be delivered to the user at the full-cost rate, and how much at the below-cost rate. For example, if a 961 acre operation earned $1 million dollars, a ratio of $500,000, the means-test value, divided by its gross income would determine the full cost rate. Thus the water user would pay the full cost rate on half of their acreage and the below-cost rate on the remaining half.

This means-testing proposal was featured in the 2000 Green Scissors report. This report is compiled annually by Friends of the Earth and Taxpayers for Common Sense and supported by a number of environmental, consumer and taxpayer groups. The premise of the report is that there are a number of subsidies and projects that could be cut to both reduce the deficit and benefit the environment. The Green Scissors recommendation on means-testing water subsidies indicates that if a test is successful in reducing subsidy payments to the highest grossing 10 percent of farms, then the Federal Government would recover between $440 million and $1.1 billion per year, or at least $2.2 billion over five years.

When countless Federal programs are subjected to various types of means-tests to limit benefits to those who truly need assistance, it makes little sense to continue to allow large business interests to dip into a program intended to help small entities struggling to survive. Taxpayers have legitimate concerns when they learn that their hard-earned tax dollars are being expended to assist large corporate interests in select regions of the country, particularly in tight budgetary times.

The second element of my bill will help our Armed Services obtain physician services at a more reasonable cost by terminating the Uniformed Services University of the Health Sciences, USUHS. The measure is one I proposed when I ran for the U.S. Senate, and was part of a larger, 82-point plan to reduce the Federal budget deficit. The most recent estimates of the Congressional Budget Office, CBO, project that terminating the school would save $273 million over the next five years, and when completely phased-out, would generate $450 million in savings over five years.

USUHS was created in 1972 to meet an expected shortage of military medical personnel. Today, however, USUHS accounts for only a small fraction of the military's new physicians, less than 12 percent in 1994, according to CBO. This contrasts dramatically with the military's scholarship program, which provided over 80 percent of the military's new physicians in that year.

What is even more troubling is that USUHS is also the single most costly source of new physicians for the military. CBO reports that based on figures from 1995, each USUHS trained physician costs the military $615,000. By comparison, the scholarship program cost about $125,000 per doctor, with other sources providing new physicians at a cost of $60,000. As CBO has noted, even adjusting for the lengthier service commitment required of USUHS trained physicians, the cost of training them is still higher than that of training physicians from other sources, an assessment shared by the Pentagon itself. Indeed, CBO's estimate of the savings generated by this measure also includes the cost of obtaining physicians from other sources.

The House of Representatives has voted to terminate this program on several occasions, joining others, ranging from the Grace Commission to the CBO, in raising the question of whether this medical school, which graduated its first class in 1980, should be closed because it is so much more costly than alternative sources of physicians for the military.

The real issue we must address is whether USUHS is essential to the needs of today's military structure, or if we can do without this costly program. The proponents of USUHS frequently cite the higher retention rates of USUHS graduates over physicians obtained from other sources as a justification for continuation of this program, but while a greater percentage of USUHS trained physicians may remain in the military longer than those from other sources, the Pentagon indicates that the alternative sources already provide an appropriate mix of retention rates. Testimony by the Department of Defense before the Subcommittee on Force Requirements and Personnel noted that the military's scholarship program meets the retention needs of the services.

And while USUHS provides only a small fraction of the military's new physicians, relying primarily on these other sources has not compromised the ability of military physicians to meet the needs of the Pentagon. According to the Office of Management and Budget, of the approximately 2,000 physicians serving in Desert Storm, only 103, about 5 percent, were USUHS trained.

USUHS has some dedicated supporters in the U.S. Senate, and I realize that there are legitimate arguments that those supporters have made in defense of this institution. The problem, however, is that the Federal Government cannot afford to continue every program that provides some useful function, especially when such services can be procured elsewhere.

The final provision of my legislation terminates another wasteful defense program, the continued production of new Trident II submarine-launched ballistic missiles. Trident submarines, and the deadly submarine-launched ballistic missiles they carry, were designed specifically to attack targets inside the Soviet Union from waters off the continental United States.

Let me say at the outset that this provision would in no way prevent the Navy from maintaining the current arsenal of Trident II missiles. Nor would it affect those Trident II missiles that are currently in production.

The Navy currently has ten Trident II submarines, each of which carries 24 Trident II, D5, missiles. Each of these missiles contains eight independently targetable nuclear warheads, for a total of 192 warheads per submarine. Each warhead packs between 300 to 450 kilotons of explosive power.

By way of comparison, the first atomic bomb that the United States dropped on Hiroshima generated 15 kilotons of force. Let's do the math for just one fully-equipped Trident II submarine. Each warhead can generate up to 450 kilotons of force. Each missile has eight warheads, and each submarine has 24 missiles. That equals 86.4 megatons of force per submarine. That means that each Trident II submarine carries the power to deliver devastation which is the equivalent of 5,760 Hiroshimas.

And that is just one fully equipped submarine. As I noted earlier, the Navy currently has ten such submarines.

Through fiscal year 2003, the Navy will have been authorized to purchase 408 Trident II missiles for these submarines. Even taking into account the 86 Trident II missiles that have been expended in testing through calendar year 2002, the Navy will still have 322 missiles in stock once those authorized to be purchased during FY2003 are completed.

The Navy needs 240 missiles to fully equip ten Trident II submarines with 24 missiles each. That leaves 82 ''extra'' missiles in the Navy's inventory. And the Navy still plans to buy at least 132 more missiles over the next two years, for a total purchase of 540 missiles. My bill would terminate production of these missiles after the currently authorized 408, saving taxpayers $6.6 billion over the next ten years.

The tragic events of September 11, 2001, and the recent resumption of nuclear activities by North Korea, serve as chilling reminders that there is still a potential threat from rogue states, and from independent operators such as al-Qaeda, who seek to acquire ballistic missiles and other weapons of mass destruction. I also recognize that our submarine fleet and our arsenal of strategic nuclear weapons still have an important role to play in warding off these threats. Their role, however, has diminished dramatically from what it was at the height of the Cold War. Our missile procurement decisions should reflect that change and should reflect the realities of the post-Cold War world.

Our current ballistic missile capability is far superior to that of any other county on the globe. And the capability of the Russian military, the very force which these missiles were designed to counter, is seriously degraded.

We should not be buying more Trident II missiles at a time when the governments of the United States and Russia have signed the Moscow Treaty, which calls for deep reductions in our nuclear forces. To spend scarce resources on building more missiles now

is short-sighted and could seriously undermine our efforts to negotiate further arms reductions with Russia.

In conclusion, the time has come to rethink our Federal budget priorities, and to redirect needed funds appropriately. Eliminating or reforming these three programs will go a long way to doing just that, and I urge Congress to act swiftly to save money for the taxpayers. I ask unanimous consent that the text of this legislation be printed in the RECORD.

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

S. 49

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

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Deficit Reduction Act of 2003'.

TITLE I—REFORMED BUREAU OF RECLAMATION WATER PRICING

SECTION 101. SHORT TITLE.

This Act may be cited as the 'Irrigation Subsidy Reduction Act of 2001'.

SEC. 102. FINDINGS.

Congress finds that—

(1) the Federal reclamation program has been in existence for over 90 years, with an estimated taxpayer investment of over $70,000,000,000;

(2) the program has had and continues to have an enormous effect on the water resources and aquatic environments of the western States;

(3) irrigation water made available from Federal water projects in the West is a very valuable resource for which there are increasing and competing demands;

(4) the justification for providing water at less than full cost was to benefit and promote the development of small family farms and exclude large corporate farms, but this purpose has been frustrated over the years due to inadequate implementation of subsidy and acreage limits;

(5) below-cost water prices tend to encourage excessive use of scarce water supplies in the arid regions of the West, and reasonable price increases to the wealthiest western farmers would provide an economic incentive for greater water conservation;

(6) the Federal Government has increasingly applied eligibility tests based on income for Federal entitlement and subsidy programs, measures that are consistent with the historic approach of the reclamation program's acreage limitations that seek to limit water subsidies to small farms; and

(7) including a means test based on gross income in the reclamation program will increase the effectiveness of carrying out the family farm goals of the Federal reclamation laws.

SEC. 103. AMENDMENTS.

(a) DEFINITIONS—Section 202 of the Reclamation Reform Act of 1982 (43 U.S.C. 390bb) is amended—

(1) by redesignating paragraphs (7), (8), (9), (10), and (11) as paragraphs (9), (10), (11), (12), and (13), respectively;

(2) in paragraph (6), by striking 'owned or operated under a lease which' and inserting 'that is owned, leased, or operated by an individual or legal entity and that';

(3) by inserting after paragraph (6) the following:

'(7) LEGAL ENTITY—The term 'legal entity' includes a corporation, association, partnership, trust, joint tenancy, or tenancy in common, or any other entity that owns, leases, or operates a farm operation for the benefit of more than 1 individual under any form of agreement or arrangement.

''(8) OPERATOR—

''(A) IN GENERAL—The term 'operator'—

''(i) means an individual or legal entity that operates a single farm operation on a parcel (or parcel) of land that is owned or leased by another person (or persons) under any form of agreement or arrangement (or agreements or arrangements); and

''(ii) if the individual or legal entity—

''(I) is an employee of an individual or legal entity, includes the individual or legal entity; or

''(II) is a legal entity that controls, is controlled by, or is under common control with another legal entity, includes each such other legal entity.

''(B) OPERATION OF A FARM OPERATION—For the purposes of subparagraph (A), an individual or legal entity shall be considered to operate a farm operation if the individual or legal entity is the person that performs the greatest proportion of the decisionmaking for and supervision of the agricultural enterprise on land served with irrigation water.'; and

(4) by adding at the end the following:

''(14) SINGLE FARM OPERATION—

''(A) IN GENERAL—The term 'single farm operation' means the total acreage of land served with irrigation water for which an individual or legal entity is the operator.

''(B) RULES FOR DETERMINING WHETHER SEPARATE PARCELS ARE OPERATED AS A SINGLE FARM OPERATION—

''(i) EQUIPMENT—AND LABOR-SHARING ACTIVITIES—The conduct of equipment- and labor-sharing activities on separate parcels of land by separate individuals or legal entities shall not by itself serve as a basis for concluding that the farming operations of the individuals or legal entities constitute a single farm operation.

''(ii) PERFORMANCE OF CERTAIN SERVICES—The performance by an individual or legal entity of an agricultural chemical application, pruning, or harvesting for a farm operation on a parcel of land shall not by itself serve as a basis for concluding that the farm operation on that parcel of land is part of a single farm operation operated by the individual or entity on other parcels of land.'.

(b) IDENTIFICATION OF OWNERS, LESSEES, AND OPERATORS AND OF SINGLE FARM OPERATIONS—The Reclamation Reform Act of 1982 (43 U.S.C. 390aa et seq.) is amended by inserting after section 201 the following:

''SEC. 201A. IDENTIFICATION OF OWNERS, LESSEES, AND OPERATORS AND OF SINGLE FARM OPERATIONS.

''(a) IN GENERAL—Subject to subsection (b), for each parcel of land to which irrigation water is delivered or proposed to be delivered, the Secretary shall identify a single individual or legal entity as the owner, lessee, or operator.

''(b) SHARED DECISIONMAKING AND SUPERVISION—If the Secretary determines that no single individual or legal entity is the owner, lessee, or other individual that performs the greatest proportion of decisionmaking for and supervision of the agricultural enterprise on a parcel of land—

''(1) all individuals and legal entities that own, lease, or perform a proportion of decisionmaking and supervision that is equal as among themselves but greater than the proportion performed by any other individual or legal entity shall be considered jointly to be the owner, lessee, or operator; and

''(2) all parcels of land of which any such individual or legal entity is the owner, lessee, or operator shall be considered to be part of the single farm operation of the owner, lessee, or operator identified under subsection (1);

(c) PRICING—Section 205 of the Reclamation Reform Act of 1982 (43 U.S.C. 390ee) is amended by adding at the end the following:

''(d) SINGLE FARM OPERATIONS GENERATING MORE THAN $500,000 IN GROSS FARM INCOME.—

''(1) IN GENERAL.—Notwithstanding subsections (a), (b), and (c), in the case of—

''(A) a qualified recipient that reports gross farm income from a single farm operation in excess of $500,000 for a taxable year; or

''(B) a limited recipient that received irrigation water on or before October 1, 1981, and that reports gross farm income from a single farm operation in excess of $500,000 for a taxable year;

irrigation water may be delivered to the single farm operation of the qualified recipient or limited recipient at less than full cost to a number of acres that does not exceed the number of acres determined under paragraph (2).

''(2) MAXIMUM NUMBER OF ACRES TO WHICH IRRIGATION WATER MAY BE DELIVERED AT LESS THAN FULL COST.—The number of acres determined under this subparagraph is the number equal to the number of acres of the single farm operation multiplied by a fraction, the numerator of which is $500,000 and the denominator of which is the amount of gross farm income reported by the qualified recipient or limited recipient in the most recent taxable year.

''(3) INFLATION ADJUSTMENT.—

''(A) IN GENERAL.—The $500,000 amount under paragraphs (1) and (2) for any taxable year beginning in a calendar year after 2002 shall be equal to the product of—

''(i) $500,000, multiplied by

''(ii) the inflation adjustment factor for the taxable year.

''(B) INFLATION ADJUSTMENT FACTOR.—The term 'inflation adjustment factor' means, with respect to any calendar year, a fraction the numerator of which is the GDP implicit price deflator for the preceding calendar year and the denominator of which is the GDP implicit price deflator for 2002. Not later than April 1 of any calendar year, the Secretary shall publish the inflation adjustment factor for the preceding calendar year.

''(C) GDP IMPLICIT PRICE DEFLATOR.—For purposes of subparagraph (B), the term 'GDP implicit price deflator' means the first revision of the implicit price deflator for the gross domestic product as computed and published by the Secretary of Commerce.

''(D) ROUNDING.—If any increase determined under subparagraph (A) is not a multiple of $100, the increase shall be rounded to the next lowest multiple of $100.''.

(d) CERTIFICATION OF COMPLIANCE.—Section 206 of the Reclamation Reform Act of 1982 (43 U.S.C. 390ff) is amended to read as follows:

''SEC. 206. CERTIFICATION OF COMPLIANCE.

''(a) IN GENERAL.—As a condition to the receipt of irrigation water for land in a district that has a contract described in section 203, each owner, lessee, or operator in the district shall furnish the district, in a form prescribed by the Secretary, a certificate that the owner, lessee, or operator is in compliance with this title, including a statement of the number of acres owned, leased, or operated, the terms of any lease or agreement pertaining to the operation of a farm operation, and, in the case of a lessee or operator, a certification that the rent or other fees paid reflect the reasonable value of the irrigation water to the productivity of the land.

''(b) DOCUMENTATION.—The Secretary may require a lessee or operator to submit for the Secretary's examination—

''(1) a complete copy of any lease or other agreement executed by each of the parties to the lease or other agreement; and

''(2) a copy of the return of income tax imposed by chapter 1 of the Internal Revenue Code of 1986 for any taxable year in which the single farm operation of the lessee or operator received irrigation water at less than full cost.''.

(e) TRUSTS.—Section 214 of the Reclamation Reform Act of 1982 (43 U.S.C. 390nn) is repealed.

(f) ADMINISTRATIVE PROVISIONS.—

(1) PENALTIES.—Section 224(c) of the Reclamation Reform Act of 1982 (43 U.S.C. 390ww(c)) is amended—

(A) by striking ''(c) The Secretary'' and inserting the following:

''(c) REGULATIONS; DATA COLLECTION; PENALTIES.—

''(1) REGULATIONS; DATA COLLECTION.—The Secretary''; and

(B) by adding at the end the following:

''(2) PENALTIES.—Notwithstanding any other provision of law, the Secretary shall establish appropriate and effective penalties for failure to comply with any provision of this Act or any regulations issued under this Act.''.

(2) INTEREST.—Section 224(i) of the Reclamation Reform Act of 1982 (43 U.S.C. 390ww(i)) is amended by striking the last sentence and inserting the following: ''The interest rate applicable to underpayments shall be equal to the rate applicable to expenditures under section 202(3)(C).''.

(g) REPORTING.—Section 228 of the Reclamation Reform Act of 1982 (43 U.S.C. 390zz) is amended by inserting ''operator or'' before ''contracting entity'' each place it appears.

(h) MEMORANDUM OF UNDERSTANDING.—The Reclamation Reform Act of 1982 (43 U.S.C. 390aa et seq.) is amended—

(1) by redesignating sections 229 and 220 as sections 230 and 231; and

(2) by inserting after section 228 the following:

''SEC. 229. MEMORANDUM OF UNDERSTANDING.

''The Secretary, the Secretary of the Treasury, and the Secretary of Agriculture shall enter into a memorandum of understanding or other appropriate instrument to permit the Secretary, notwithstanding section 6103 of the Internal Revenue Code of 1996, to have access to and use of available information collected or maintained by the Department of the Treasury and the Department of Agriculture that would aid enforcement of the ownership and pricing limitations of Federal reclamation law.''.

TITLE II—TERMINATION OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES. SECTION 201. TERMINATION.

(a) IN GENERAL.—The Uniformed Services University of the Health Sciences is terminated.

(b) CONFORMING AMENDMENTS.—

(1) Chapter 104 of title 10, United States Code, is repealed.

(2) The table of chapters at the beginning of subtitle A of such title, and at the beginning of part III of such subtitle, are each amended by striking out the item relating to chapter 104.

(C) EFFECTIVE DATES.—

(1) TERMINATION.—The termination of the Uniformed Services University of the Health Sciences under subsection (a)(1) shall take effect on the day after the date of the graduation from the university of the last class of students that enrolled in such university on or before the date of the enactment of the Act.

(2) AMENDMENTS.—The amendments made by subsection (a)(2) shall take effect on that date of the enactment of this Act, except that the provisions of chapter 104 of title 10, United States Code, as in effect on the day before such date, shall continue to apply with respect to the Uniformed Services University of the Health Sciences until the termination of the university under this section.

TITLE III—TERMINATION OF PRODUCTION UNDER THE D5 SUBMARINE LAUNCHED MISSILE PROGRAM.

SECTION 301. PRODUCTION TERMINATION.

(a) TERMINATION OF PROGRAM.—The Secretary of Defense shall terminate production of D5 submarine-launched ballistic missile program.

(b) PAYMENT OF TERMINATION COSTS.—Funds available on or after the date of the enactment of this Act for obligation for the D5 submarine-launched ballistic missile program may be obligated for production under that program only for payment of the costs associated with the termination of production under this Act.

SEC. 302. CURRENT PROGRAM ACTIVITIES.

Nothing in this legislation shall be construed to prohibit or otherwise affect the availability of funds for the following:

(1) Production of D5 submarine-launched ballistic missiles in production on the date of the enactment of this Act.

(2) Maintenance after the date of the enactment of this act of the arsenal of D5 submarine-launched ballistic missiles in existence on such date, including the missiles described in paragraph (1).

By Mr. WYDEN:

S. 52. A bill to permanently extend the moratorium enacted by the Internet Tax Freedom Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. WYDEN. Mr. President, predictions that the Internet Tax Freedom Act would topple Western Civilization have not come to pass. Since the moratorium on taxation of out-of-State, online sales was first enacted in October 1998, not a single community, county or state has come forward to prove it is being injured by its inability to impose discriminatory taxes on electronic commerce. There is simply no evidence that States have lost revenue by technology-driven commerce. On the contrary, the technology sector itself has been pounded as hard as any sector by the economic downturn.

Across the country States are facing tremendous budget pressures. My own State of Oregon is facing a nearly 20 percent budget shortfall, and Oregon has the highest unemployment rate in the Nation. The shift from black ink to red is the result of this Administration's failed economic policies, not the inability of States to impose discriminatory taxes on Internet sales.

Adding new taxes on the backs of consumers is not the way to salvage weakened State and local economies. Sales taxes are among the most regressive revenue measures, and imposing new sales taxes at this time could actually make a bad economic situation worse. A number of States seem to be arguing that their economic future is tied to taxing technology entrepreneurs located thousands of miles away with no physical presence in their jurisdiction. I don't share this view. The reason States don't tax remote sellers, as former Massachusetts Governor Celluci has testified before the Senate, is they don't want the political heat. Few of the 45 States that could collect a use tax on all items their residents have purchased out-of-State actually do so. Most States simply chose not to enforce their own laws, preferring to export their tax burden to out of state businesses who get no benefit from the taxing state.

Congress will soon be asked again by the Streamlined Sales Tax Project States to take the political heat for new sales taxes. The U.S. Senate has voted three times in recent years on whether to overturn Quill to require remote sellers with no nexus to serve the States as their tax collectors. Every time the Senate has rejected the notion. On January 19, 1995, the Senate voted 73–25 to table the amendment; on October 2, 1998, the Senate voted 66–29 to table the amendment; and most recently, on November 15, 2001, the Senate voted 57–43 to table the amendment.

As Congress revisits this issue again this year, we should remember what the Supreme Court said in Quill: ''Congress is . . . free to decide whether, when and to what extent the States may burden mail-order concerns with a duty to collect use taxes.'' The authority the Constitution vests in Congress to regulate interstate commerce—online or otherwise—is an enormous power that must be exercised with great care and caution. I believe the moratorium should be extended indefinitely, and that is what the legislation I introduce today would do. I am pleased to be joined once again in this effort by Representative CHRIS COX, and 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. 52

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Internet Tax Nondiscrimination Act''.

SEC. 2. PERMANENT EXTENSION OF INTERNET TAX FREEDOM ACT MORATORIUM.

(a) PERMANENT EXTENSION; INTERNET ACCESS TAXES.—Section 1101 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended—

(1) by striking ''taxes during the period beginning on October 1, 1998, and ending on November 1, 2003—'' and inserting ''taxes after September 30, 1998:'';

(2) by striking paragraph (1) of subsection (a) and inserting the following:

''(1) Taxes on Internet access.'';

(3) by striking ''multiple'' in paragraph (2) of subsection (a) and inserting ''Multiple'';

(4) by striking subsection (d); and

(5) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(b) CONFORMING AMENDMENT.—Section 1104(10) of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking ''unless'' and all that follows through ''1998''.

By Mr. SCHUMER (for himself, Mr. MCCAIN, Mr. EDWARDS, Ms. COLLINS, Mr. KENNEDY, Mr. MILLER, Mr. JOHNSON, Mrs.

CLINTON, Mr. KOHL, Mr. FEINGOLD, Ms. STABENOW, Mr. DASCHLE, Mr. NELSON of Florida, Mr. ROCKEFELLER, Mr. LEAHY, Mr. REED, Mr. PRYOR, Mr. DURBIN, and Mr. DORGAN):

S. 54. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals; to the Committee on Health, Education, Labor, and Pensions.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 54

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Greater Access to Affordable Pharmaceuticals Act of 2003''.

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) prescription drug costs are increasing at an alarming rate and are a major worry of American families and senior citizens;

(2) enhancing competition between generic drug manufacturers and brand-name manufacturers can significantly reduce prescription drug costs for American families;

(3) the pharmaceutical market has become increasingly competitive during the last decade because of the increasing availability and accessibility of generic pharmaceuticals, but competition must be further stimulated and strengthened;

(4) the Federal Trade Commission has discovered that there are increasing opportunities for drug companies owning patents on brand-name drugs and generic drug companies to enter into private financial deals in a manner that could restrain trade and greatly reduce competition and increase prescription drug costs for consumers;

(5) generic pharmaceuticals are approved by the Food and Drug Administration on the basis of scientific testing and other information establishing that pharmaceuticals are therapeutically equivalent to brand-name pharmaceuticals, ensuring consumers a safe, efficacious, and cost-effective alternative to brand-name innovator pharmaceuticals;

(6) the Congressional Budget Office estimates that—

(A) the use of generic pharmaceuticals for brand-name pharmaceuticals could save purchasers of pharmaceuticals between $8,000,000,000 and $10,000,000,000 each year; and

(B) generic pharmaceuticals cost between 25 percent and 60 percent less than brand-name pharmaceuticals, resulting in an estimated average savings of $15 to $30 on each prescription;

(7) generic pharmaceuticals are widely accepted by consumers and the medical profession, as the market share held by generic pharmaceuticals compared to brand-name pharmaceuticals has more than doubled during the last decade, from approximately 19 percent to 43 percent, according to the Congressional Budget Office;

(8) expanding access to generic pharmaceuticals can help consumers, especially senior citizens and the uninsured, have access to more affordable prescription drugs;

(9) Congress should ensure that measures are taken to effectuate the amendments made by the Drug Price Competition and Patent Term Restoration Act of 1984 (98 Stat. 1585) (referred to in this section as the ''Hatch-Waxman Act'') to make generic drugs more accessible, and thus reduce health care costs; and

(10) it would be in the public interest if patents on drugs for which applications are approved under section 505(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(c)) were extended only through the patent extension procedure provided under the Hatch-Waxman Act rather than through the attachment of riders to bills in Congress.

(b) PURPOSES.—The purposes of this Act are—

(1) to increase competition, thereby helping all Americans, especially seniors and the uninsured, to have access to more affordable medication; and

(2) to ensure fair marketplace practices and deter pharmaceutical companies (including generic companies) from engaging in anticompetitive action or actions that tend to unfairly restrain trade.

SEC. 3. FILING OF PATENT INFORMATION WITH THE FOOD AND DRUG ADMINISTRATION.

(a) FILING AFTER APPROVAL OF AN APPLICATION.—

(1) IN GENERAL.—Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) (as amended by section 9(a)(2)(B)(ii)) is amended in subsection (c) by striking paragraph (2) and inserting the following:

''(2) PATENT INFORMATION.—

''(A) IN GENERAL.—Not later than the date that is 30 days after the date of an order approving an application under subsection (b) (unless the Secretary extends the date because of extraordinary or unusual circumstances), the holder of the application shall file with the Secretary the patent information described in subparagraph (C) with respect to any patent—

''(i)(I) that claims the drug for which the application was approved; or

''(II) that claims an approved method of using the drug; and

''(ii) with respect to which a claim of patent infringement could reasonably be asserted if a person not licensed by the owner engaged in the manufacture, use, or sale of the drug.

''(B) SUBSEQUENTLY ISSUED PATENTS.—In a case in which a patent described in subparagraph (A) is issued after the date of an order approving an application under subsection (b), the holder of the application shall file with the Secretary the patent information described in subparagraph (C) not later than the date that is 30 days after the date on which the patent is issued (unless the Secretary extends the date because of extraordinary or unusual circumstances).

''(C) PATENT INFORMATION.—The patent information required to be filed under subparagraph (A) or (B) includes—

''(i) the patent number;

''(ii) the expiration date of the patent;

''(iii) with respect to each claim of the patent—

''(I) whether the patent claims the drug or claims a method of using the drug; and

''(II) whether the claim covers—

''(aa) a drug substance;

''(bb) a drug formulation;

''(cc) a drug composition; or

''(dd) a method of use;

''(iv) if the patent claims a method of use, the approved use covered by the claim;

''(v) the identity of the owner of the patent (including the identity of any agent of the patent owner); and

''(vi) a declaration that the applicant, as of the date of the filing, has provided complete and accurate patent information for all patents described in subparagraph (A).

''(D) PUBLICATION.—On filing of patent information required under subparagraph (A) or (B), the Secretary shall—

''(i) immediately publish the information described in clauses (i) through (iv) of subparagraph (C); and

''(ii) make the information described in clauses (v) and (vi) of subparagraph (C) available to the public on request.

''(E) CIVIL ACTION FOR CORRECTION OR DELETION OF PATENT INFORMATION.—

''(i) IN GENERAL.—A person that has filed an application under subsection (b)(2) or (j) for a drug may bring a civil action against the holder of the approved application for the drug seeking an order requiring that the holder of the application amend the application—

''(I) to correct patent information filed under subparagraph (A); or

''(II) to delete the patent information in its entirety for the reason that—

''(aa) the patent does not claim the drug for which the application was approved; or

''(bb) the patent does not claim an approved method of using the drug.

''(ii) LIMITATIONS.—Clause (i) does not authorize—

''(I) a civil action to correct patent information filed under subparagraph (B); or

''(II) an award of damages in a civil action under clause (i).

''(F) NO CLAIM FOR PATENT INFRINGEMENT.—An owner of a patent with respect to which a holder of an application fails to file information on or before the date required under subparagraph (A) or (B) shall be barred from bringing a civil action for infringement of the patent against a person that—

''(i) has filed an application under subsection (b)(2) or (j); or

''(ii) manufactures, uses, offers to sell, or sells a drug approved under an application under subsection (b)(2) or (j).''.

(2) TRANSITION PROVISION.—

(A) FILING OF PATENT INFORMATION.—Each holder of an application for approval of a new drug under section 505(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)) that has been approved before the date of enactment of this Act shall amend the application to include the patent information required under the amendment made by paragraph (1) not later than the date that is 30 days after the date of enactment of this Act (unless the Secretary of Health and Human Services extends the date because of extraordinary or unusual circumstances).

(B) NO CLAIM FOR PATENT INFRINGEMENT.—An owner of a patent with respect to which a holder of an application under subsection (b) of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) fails to file information on or before the date required under subparagraph (A) shall be barred from bringing a civil action for infringement of the patent against a person that—

(i) has filed an application under subsection (b)(2) or (j) of that section; or

(ii) manufactures, uses, offers to sell, or sells a drug approved under an application under subsection (b)(2) or (j) of that section.

(b) FILING WITH AN APPLICATION.—Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (A), by striking ''and'' at the end;

(B) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(C) with respect to a patent that claims both the drug and a method of using the drug or claims more than 1 method of using the drug for which the application is filed—

''(i) a certification under subparagraph (A)(iv) on a claim-by-claim basis; and

''(ii) a statement under subparagraph (B) regarding the method of use claim.''; and

(2) in subsection (j)(2)(A), by inserting after clause (viii) the following:

''With respect to a patent that claims both the drug and a method of using the drug or claims more than 1 method of using the drug for which the application is filed, the application shall contain a certification under clause (vii)(IV) on a claim-by-claim basis and a statement under clause (viii) regarding the method of use claim.''.

SEC. 4. LIMITATION OF 30-MONTH STAY TO CERTAIN PATENTS.

(a) ABBREVIATED NEW DRUG APPLICATIONS.—Section 505(j)(5) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(5)) is amended—

(1) in subparagraph (B)—

(A) in clause (iii)—

(i) by striking ''(iii) If the applicant made a certification described in subclause (IV) of paragraph (2)(A)(vii),'' and inserting the following:

''(iii) SUBCLAUSE (IV) CERTIFICATION WITH RESPECT TO CERTAIN PATENTS.—If the applicant made a certification described in paragraph (2)(A)(vii)(IV) with respect to a patent (other than a patent that claims a process for manufacturing the listed drug) for which patent information was filed with the Secretary under subsection (c)(2)(A),''; and

(ii) by adding at the end the following: ''The 30-month period provided under the second sentence of this clause shall not apply to a certification under paragraph (2)(A)(vii)(IV) made with respect to a patent for which patent information was filed with the Secretary under subsection (c)(2)(B).'';

(B) by redesignating clause (iv) as clause (v); and

(C) by inserting after clause (iii) the following:

''(iv) SUBCLAUSE (IV) CERTIFICATION WITH RESPECT TO OTHER PATENTS.—

''(I) IN GENERAL.—If the applicant made a certification described in paragraph (2)(A)(vii)(IV) with respect to a patent not described in clause (iii) for which patent information was published by the Secretary under subsection (c)(2)(D), the approval shall be made effective on the date that is 45 days after the date on which the notice provided under paragraph (2)(B) was received, unless a civil action for infringement of the patent, accompanied by a motion for preliminary injunction to enjoin the applicant from engaging in the commercial manufacture or sale of the drug, was filed on or before the date that is 45 days after the date on which the notice was received, in which case the approval shall be made effective—

''(aa) on the date of a court action declining to grant a preliminary injunction; or

''(bb) if the court has granted a preliminary injunction prohibiting the applicant from engaging in the commercial manufacture or sale of the drug—

''(AA) on issuance by a court of a determination that the patent is invalid or is not infringed;

''(BB) on issuance by a court of an order revoking the preliminary injunction or permitting the applicant to engage in the commercial manufacture or sale of the drug; or

''(CC) on the date specified in a court order under section 271(e)(4)(A) of title 35, United States Code, if the court determines that the patent is infringed.

''(II) COOPERATION.—Each of the parties shall reasonably cooperate in expediting a civil action under subclause (I).

''(III) EXPEDITED NOTIFICATION.—If the notice under paragraph (2)(B) contains an address for the receipt of expedited notification of a civil action under subclause (I), the plaintiff shall, on the date on which the complaint is filed, simultaneously cause a notification of the civil action to be delivered to that address by the next business day.''; and

(2) by inserting after subparagraph (B) the following:

''(C) FAILURE TO BRING INFRINGEMENT ACTION.—If, in connection with an application under this subsection, the applicant provides an owner of a patent notice under paragraph (2)(B) with respect to the patent, and the owner of the patent fails to bring a civil action against the applicant for infringement of the patent on or before the date that is 45 days after the date on which the notice is received, the owner of the patent shall be barred from bringing a civil action for infringement of the patent in connection with the development, manufacture, use, offer to sell, or sale of the drug for which the application was filed or approved under this subsection.''.

(b) OTHER APPLICATIONS.—Section 505(c)) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(c)) (as amended by section 9(a)(3)(A)(iii)) is amended—

(1) in paragraph (3)—

(A) in subparagraph (C)—

(i) by striking ''(C) If the applicant made a certification described in clause (iv) of subsection (b)(2)(A),'' and inserting the following:

''(C) CLAUSE (iv) CERTIFICATION WITH RESPECT TO CERTAIN PATENTS.—If the applicant made a certification described in subsection (b)(2)(A)(iv) with respect to a patent (other than a patent that claims a process for manufacturing the listed drug) for which patent information was filed with the Secretary under paragraph (2)(A),''; and

(ii) by adding at the end the following: ''The 30-month period provided under the second sentence of this subparagraph shall not apply to a certification under subsection (b)(2)(A)(iv) made with respect to a patent for which patent information was filed with the Secretary under paragraph (2)(B).''; and

(B) by inserting after subparagraph (C) the following:

''(D) CLAUSE (iv) CERTIFICATION WITH RESPECT TO OTHER PATENTS.—

''(i) IN GENERAL.—If the applicant made a certification described in subsection (b)(2)(A)(iv) with respect to a patent not described in subparagraph (C) for which patent information was published by the Secretary under paragraph (2)(D), the approval shall be made effective on the date that is 45 days after the date on which the notice provided under subsection (b)(3) was received, unless a civil action for infringement of the patent, accompanied by a motion for preliminary injunction to enjoin the applicant from engaging in the commercial manufacture or sale of the drug, was filed on or before the date that is 45 days after the date on which the notice was received, in which case the approval shall be made effective—

''(I) on the date of a court action declining to grant a preliminary injunction; or

''(II) if the court has granted a preliminary injunction prohibiting the applicant from engaging in the commercial manufacture or sale of the drug—

''(aa) on issuance by a court of a determination that the patent is invalid or is not infringed;

''(bb) on issuance by a court of an order revoking the preliminary injunction or permitting the applicant to engage in the commercial manufacture or sale of the drug; or

''(cc) on the date specified in a court order under section 271(e)(4)(A) of title 35, United States Code, if the court determines that the patent is infringed.

''(ii) COOPERATION.—Each of the parties shall reasonably cooperate in expediting a civil action under clause (i).

''(iii) EXPEDITED NOTIFICATION.—If the notice under subsection (b)(3) contains an address for the receipt of expedited notification of a civil action under clause (i), the plaintiff shall, on the date on which the complaint is filed, simultaneously cause a notification of the civil action to be delivered to that address by the next business day.''; and

(2) by inserting after paragraph (3) the following:

''(4) FAILURE TO BRING INFRINGEMENT ACTION.—If, in connection with an application under subsection (b)(2), the applicant provides an owner of a patent notice under subsection (b)(3) with respect to the patent, and the owner of the patent fails to bring a civil action against the applicant for infringement of the patent on or before the date that is 45 days after the date on which the notice is received, the owner of the patent shall be barred from bringing a civil action for infringement of the patent in connection with the development, manufacture, use, offer to sell, or sale of the drug for which the application was filed or approved under subsection (b)(2).''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsections (a) and (b) shall be effective with respect to any certification under subsection (b)(2)(A)(iv) or (j)(2)(A)(vii)(IV) of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) made after the date of enactment of this Act in an application filed under subsection (b)(2) or (j) of that section.

(2) TRANSITION PROVISION.—In the case of applications under section 505(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)) filed before the date of enactment of this Act—

(A) a patent (other than a patent that claims a process for manufacturing a listed drug) for which information was submitted to the Secretary of Health and Human Services under section 505(b)(1) of the Federal Food, Drug, and Cosmetic Act (as in effect on the day before the date of enactment of this Act) shall be subject to subsections (c)(3)(C) and (j)(5)(B)(iii) of section 505 of the Federal Food, Drug, and Cosmetic Act (as amended by this section); and

(B) any other patent (including a patent for which information was submitted to the Secretary under section 505(c)(2) of that Act (as in effect on the day before the date of enactment of this Act)) shall be subject to subsections (c)(3)(D) and (j)(5)(B)(iv) of section 505 of the Federal Food, Drug, and Cosmetic Act (as amended by this section).

SEC. 5. EXCLUSIVITY FOR ACCELERATED GENERIC DRUG APPLICANTS.

(a) IN GENERAL.—Section 505(j)(5) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(5)) (as amended by section 4(a)) is amended—

(1) in subparagraph (B)(v), by striking subclause (II) and inserting the following:

''(II) the earlier of—

''(aa) the date of a final decision of a court (from which no appeal has been or can be taken, other than a petition to the Supreme Court for a writ of certiorari) holding that the patent that is the subject of the certification is invalid or not infringed; or

''(bb) the date of a settlement order or consent decree signed by a Federal judge that enters a final judgment and includes a finding that the patent that is the subject of the certification is invalid or not infringed;''; and

(2) by inserting after subparagraph (C) the following:

''(D) FORFEITURE OF 180-DAY PERIOD.—

''(i) DEFINITIONS.—In this subparagraph:

''(I) APPLICATION.—The term 'application' means an application for approval of a drug

under this subsection containing a certification under paragraph (2)(A)(vii)(IV) with respect to a patent.

''(II) FIRST APPLICATION.—The term 'first application' means the first application to be filed for approval of the drug.

''(III) FORFEITURE EVENT.—The term 'forfeiture event', with respect to an application under this subsection, means the occurrence of any of the following:

''(aa) FAILURE TO MARKET.—The applicant fails to market the drug by the later of—

''(AA) the date that is 60 days after the date on which the approval of the application for the drug is made effective under clause (iii) or (iv) of subparagraph (B) (unless the Secretary extends the date because of extraordinary or unusual circumstances); or

''(BB) if 1 or more civil actions have been brought against the applicant for infringement of a patent subject to a certification under paragraph (2)(A)(vii)(IV) or 1 or more civil actions have been brought by the applicant for a declaratory judgment that such a patent is invalid or not infringed, the date that is 60 days after the date of a final decision (from which no appeal has been or can be taken, other than a petition to the Supreme Court for a writ of certiorari) in the last of those civil actions to be decided (unless the Secretary extends the date because of extraordinary or unusual circumstances).

''(bb) WITHDRAWAL OF APPLICATION.—The applicant withdraws the application.

''(cc) AMENDMENT OF CERTIFICATION.—The applicant, voluntarily or as a result of a settlement or defeat in patent litigation, amends the certification from a certification under paragraph (2)(A)(vii)(IV) to a certification under paragraph (2)(A)(vii)(III).

''(dd) FAILURE TO OBTAIN APPROVAL.—The applicant fails to obtain tentative approval of an application within 30 months after the date on which the application is filed, unless the failure is caused by—

''(AA) a change in the requirements for approval of the application imposed after the date on which the application is filed; or

''(BB) other extraordinary circumstances warranting an exception, as determined by the Secretary.

''(ee) FAILURE TO CHALLENGE PATENT.—In a case in which, after the date on which the applicant submitted the application, new patent information is submitted under subsection (c)(2) for the listed drug for a patent for which certification is required under paragraph (2)(A), the applicant fails to submit, not later than the date that is 60 days after the date on which the Secretary publishes the new patent information under paragraph (7)(A)(iii) (unless the Secretary extends the date because of extraordinary or unusual circumstances)—

''(AA) a certification described in paragraph (2)(A)(vii)(IV) with respect to the patent to which the new patent information relates; or

''(BB) a statement that any method of use claim of that patent does not claim a use for which the applicant is seeking approval under this subsection in accordance with paragraph (2)(A)(viii).

''(ff) UNLAWFUL CONDUCT.—The Federal Trade Commission determines that the applicant engaged in unlawful conduct with respect to the application in violation of section 1 of the Sherman Act (15 U.S.C. 1).

''(IV) SUBSEQUENT APPLICATION.—The term 'subsequent application' means an application for approval of a drug that is filed subsequent to the filing of a first application for approval of that drug.

''(ii) FORFEITURE OF 180-DAY PERIOD.—

''(I) IN GENERAL.—Except as provided in subclause (II), if a forfeiture event occurs with respect to a first application—

''(aa) the 180-day period under subparagraph (B)(v) shall be forfeited by the first applicant; and

''(bb) any subsequent application shall become effective as provided under clause (i), (ii), (iii), or (iv) of subparagraph (B), and clause (v) of subparagraph (B) shall not apply to the subsequent application.

''(II) FORFEITURE TO FIRST SUBSEQUENT APPLICANT.—If the subsequent application that is the first to be made effective under subclause (I) was the first among a number of subsequent applications to be filed—

''(aa) that first subsequent application shall be treated as the first application under this subparagraph (including subclause (I)) and as the previous application under subparagraph (B)(v); and

''(bb) any other subsequent applications shall become effective as provided under clause (i), (ii), (iii), or (iv) of subparagraph (B), but clause (v) of subparagraph (B) shall apply to any such subsequent application.

''(iii) AVAILABILITY.—The 180-day period under subparagraph (B)(v) shall be available to a first applicant submitting an application for a drug with respect to any patent without regard to whether an application has been submitted for the drug under this subsection containing such a certification with respect to a different patent.

''(iv) APPLICABILITY.—The 180-day period described in subparagraph (B)(v) shall apply to an application only if a civil action is brought against the applicant for infringement of a patent that is the subject of the certification.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall be effective only with respect to an application filed under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)) after the date of enactment of this Act for a listed drug for which no certification under section 505(j)(2)(A)(vii)(IV) of that Act was made before the date of enactment of this Act, except that if a forfeiture event described in section 505(j)(5)(D)(i)(III)(ff) of that Act occurs in the case of an applicant, the applicant shall forfeit the 180-day period under section 505(j)(5)(B)(v) of that Act without regard to when the applicant made a certification under section 505(j)(2)(A)(vii)(IV) of that Act.

SEC. 6. FAIR TREATMENT FOR INNOVATORS.

(a) BASIS FOR APPLICATION.—Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) is amended—

(1) in subsection (b)(3)(B), by striking the second sentence and inserting ''The notice shall include a detailed statement of the factual and legal basis of the applicant's opinion that, as of the date of the notice, the patent is not valid or is not infringed, and shall include, as appropriate for the relevant patent, a description of the applicant's proposed drug substance, drug formulation, drug composition, or method of use. All information disclosed under this subparagraph shall be treated as confidential and may be used only for purposes relating to patent adjudication. Nothing in this subparagraph precludes the applicant from amending the factual or legal basis on which the applicant relies in patent litigation.''; and

(2) in subsection (j)(2)(B)(ii), by striking the second sentence and inserting ''The notice shall include a detailed statement of the factual and legal basis of the opinion of the applicant that, as of the date of the notice, the patent is not valid or is not infringed, and shall include, as appropriate for the relevant patent, a description of the applicant's proposed drug substance, drug formulation, drug composition, or method of use. All information disclosed under this subparagraph shall be treated as confidential and may be used only for purposes relating to patent adjudication. Nothing in this subparagraph precludes the applicant from amending the factual or legal basis on which the applicant relies in patent litigation.''.

(b) INJUNCTIVE RELIEF.—Section 505(j)(5)(B) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(5)(B)) (as amended by section 4(a)(1)) is amended—

(1) in clause (iii), by adding at the end the following: ''A court shall not regard the extent of the ability of an applicant to pay monetary damages as a whole or partial basis on which to deny a preliminary or permanent injunction under this clause.''; and

(2) in clause (iv), by adding at the end the following:

''(IV) INJUNCTIVE RELIEF.—A court shall not regard the extent of the ability of an applicant to pay monetary damages as a whole or partial basis on which to deny a preliminary or permanent injunction under this clause.''.

SEC. 7. BIOEQUIVALENCE.

(a) IN GENERAL.—The amendments to part 320 of title 21, Code of Federal Regulations, promulgated by the Commissioner of Food and Drugs on July 17, 1991 (57 Fed. Reg. 17997 (April 28, 1992)), shall continue in effect as an exercise of authorities under sections 501, 502, 505, and 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351, 352, 355, 371).

(b) EFFECT.—Subsection (a) does not affect the authority of the Commissioner of Food and Drugs to amend part 320 of title 21, Code of Federal Regulations.

(c) EFFECT OF SECTION.—This section shall not be construed to alter the authority of the Secretary of Health and Human Services to regulate biological products under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.). Any such authority shall be exercised under that Act as in effect on the day before the date of enactment of this Act.

SEC. 8. REPORT.

(a) IN GENERAL.—Not later than the date that is 5 years after the date of enactment of this Act, the Federal Trade Commission shall submit to Congress a report describing the extent to which implementation of the amendments made by this Act—

(1) has enabled products to come to market in a fair and expeditious manner, consistent with the rights of patent owners under intellectual property law; and

(2) has promoted lower prices of drugs and greater access to drugs through price competition.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000.

SEC. 9. CONFORMING AND TECHNICAL AMENDMENTS.

(a) SECTION 505.—Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) is amended—

(1) in subsection (a), by striking ''(a) No person'' and inserting ''(a) IN GENERAL.—No person'';

(2) in subsection (b)—

(A) by striking ''(b)(1) Any person'' and inserting the following:

''(b) APPLICATIONS.—

''(1) REQUIREMENTS.—

''(A) IN GENERAL.—Any person'';

(B) in paragraph (1)—

(i) in the second sentence—

(I) by redesignating subparagraphs (A) through (F) as clauses (i) through (vi), respectively, and adjusting the margins appropriately;

(II) by striking ''Such persons'' and inserting the following:

''(B) INFORMATION TO BE SUBMITTED WITH APPLICATION.—A person that submits an application under subparagraph (A)''; and

(III) by striking ''application'' and inserting ''application—'';

(ii) by striking the third through fifth sentences; and

(iii) in the sixth sentence—

(I) by striking ''The Secretary'' and inserting the following:

''(C) GUIDANCE.—The Secretary''; and

(II) by striking ''clause (A)'' and inserting ''subparagraph (B)(i)''; and

(C) in paragraph (2)—

(i) by striking ''clause (A) of such paragraph'' and inserting ''paragraph (1)(B)(i)'';

(ii) in subparagraphs (A) and (B), by striking ''paragraph (1) or''; and

(iii) in subparagraph (B)—

(I) by striking ''paragraph (1)(A)'' and inserting ''paragraph (1)(B)(i)''; and

(II) by striking ''patent'' each place it appears and inserting ''claim''; and

(3) in subsection (c)—

(A) in paragraph (3)—

(i) in subparagraph (A)—

(I) by striking ''(A) If the applicant'' and inserting the following:

''(A) CLAUSE (i) OR (ii) CERTIFICATION.—If the applicant''; and

(II) by striking ''may'' and inserting ''shall'';

(ii) in subparagraph (B)—

(I) by striking ''(B) If the applicant'' and inserting the following:

''(B) CLAUSE (iii) CERTIFICATION.—If the applicant''; and

(II) by striking ''may'' and inserting ''shall'';

(iii) by redesignating subparagraph (D) as subparagraph (E); and

(iv) in subparagraph (E) (as redesignated by clause (iii)), by striking ''clause (A) of subsection (b)(1)'' each place it appears and inserting ''subsection (b)(1)(B)(i)''; and

(B) by redesignating paragraph (4) as paragraph (5); and

(4) in subsection (j)—

(A) in paragraph (2)(A)—

(i) in clause (vi), by striking ''clauses (B) through ((F)'' and inserting ''subclauses (ii) through (vi) of subsection (b)(1)'';

(ii) in clause (vii), by striking ''(b) or''; and

(iii) in clause (viii)—

(I) by striking ''(b) or''; and

(II) by striking ''patent'' each place it appears and inserting ''claim''; and

(B) in paragraph (5)—

(i) in subparagraph (B)—

(I) in clause (i)—

(aa) by striking ''(i) If the applicant'' and inserting the following:

''(i) SUBCLAUSE (I) OR (II) CERTIFICATION.—If the applicant''; and

(bb) by striking ''may'' and inserting ''shall'';

(II) in clause (ii)—

(aa) by striking ''(ii) If the applicant'' and inserting the following:

''(i) SUBCLAUSE (III) CERTIFICATION.—If the applicant''; and

(bb) by striking ''may'' and inserting ''shall'';

(III) in clause (iii), by striking ''(2)(B)(i)'' each place it appears and inserting ''(2)(B)''; and

(IV) in clause (v) (as redesignated by section 4(a)(1)(B)), by striking ''continuing'' and inserting ''containing''; and

(ii) by redesignating subparagraphs (C) and (D) as subparagraphs (E) and (F), respectively.

(b) SECTION 505A.—Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) is amended—

(1) in subsections (b)(1)(A)(i) and (c)(1)(A)(i)—

(A) by striking ''(c)(3)(D)(ii)'' each place it appears and inserting ''(c)(3)(E)(ii)''; and

(B) by striking ''(j)(5)(D)(ii)'' each place it appears and inserting ''(j)(5)(F)(ii)'';

(2) in subsections (b)(1)(A)(ii) and (c)(1)(A)(ii)—

(A) by striking ''(c)(3)(D)'' each place it appears and inserting ''(c)(3)(E)''; and

(B) by striking ''(j)(5)(D)'' each place it appears and inserting ''(j)(5)(F)'';

(3) in subsections (e) and (l)—

(A) by striking ''505(c)(3)(D)'' each place it appears and inserting ''505(c)(3)(E)''; and

(B) by striking ''505(j)(5)(D)'' each place it appears and inserting ''505(j)(5)(F)''; and

(4) in subsection (k), by striking ''505(j)(5)(B)(iv)'' and inserting ''505(j)(5)(B)(v)''.

(c) SECTION 527.—Section 527(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360cc(a)) is amended in the second sentence by striking ''505(c)(2)'' and inserting ''505(c)(1)(B)''.

Ms. COLLINS. Mr. President, I am pleased to join my colleagues from New York and Arizona in introducing the Greater Access to Affordable Pharmaceuticals Act, which will make prescription drugs more affordable by promoting completion in the pharmaceutical industry and increasing access to lower-priced generic drugs. The bipartisan bill that we are introducing today is identical to the compromise legislation that overwhelmingly passed the Senate last July by a vote of 78 to 21. That compromise was based on an amendment I Offered in the Health, Education, Labor and Pensions Committee with my colleague form North Carolina, Senator Edwards.

Prescription drug spending in the United States has increased by 92 percent over the past 5 years to almost $120 million. These soaring costs are a particular burden for the millions of uninsured Americans, as well as those seniors on Medicare who lack prescription drug coverage. Many of these individuals are simply priced out of the market, or forced to choose between paying the bills or buying the pills that keep them healthy.

Skyrocketing prescription drug costs are also putting the squeeze on our Nation's employers who are struggling in the face of double-digit annual premium increases to provide health care coverage for their workers. And they are exacerbating the Medicaid funding crisis that all of us are hearing about from our Governors back home as they struggle to bridge growing shortfalls in their State budgets.

The legislation that we are introducing today will make prescription drugs more affordable for all Americans. The nonpartisan Congressional Budget Office estimates that are bill will cut our Nation's drug costs by $60 billion over the next 10 years. That is why the legislation is supported by coalitions representing the Governors, insurers, businesses, organized labor, senior groups, and individual consumers who are footing the bill for these expensive drugs and whose costs for popular drugs like Cardizem CD, Cipro, Prilosec, and Zantac could be cut in half if generic alternatives were available.

The 1984 Hatch-Waxman Act made significant changes in our patent laws that were intended to encourage pharmaceutical companies to make the investments necessary to develop new drug products, while simultaneously enabling their competitors to bring lower-cost, generic alternatives to the market. To that end, the legislation has succeeded to a large degree. Prior to Hatch-Waxman, it took 3 to 5 years for generics to enter the market after a brand-name patent had expired. Today, lower-cost generics often enter the market immediately upon the expiration of the patent. As a consequence, consumers are saving anywhere from $8 to 10 billion a year by purchasing generic drugs.

Moreover, there are even greater potential savings on the horizon. Within the next 4 years, the patents on brand name drugs with combined sales of $20 billion are set to expire. If Hatch-Waxman were to work as it was intended, consumers could expect to save between 50 and 60 percent on these drugs as lower cost generic alternatives become available as these patents expire.

Despite its past success, however,it is becoming increasingly apparent that the Hatch-Waxman Act has been subject to abuse. While many pharmaceutical companies have acted in good faith, there is mounting evidence that some brand name generic drug manufacturers have attempted to ''game'' the system by exploiting legal loopholes in the current law.

Too many pharmaceutical companies have maximized their profits at the expense of consumers by filing frivolous patents that have delayed access to lower priced generic drugs. Currently, brand-name companies can delay a generic drug from going to market for years. A ''new'' patent for an existing drug can be awarded for merely changing the color of a pill or its packaging. For example, Bristol Myers-Squibb delayed generic competition on Platinol, a cancer treatment, by filing a patent on the brown bottle that it came in.

Another example cited by the Chairman of the Federal Trade Commission, Timothy Muris, in testimony before the Senate Commerce Commission, involved the producer of the heart medication Cardizem CD, which brought a lawsuit for patent and trademark infringement against the generic manufacturer in early 1996. Instead of asking the generic company to pay damages, however, the brand name manufacturer offered a settlement to pay the generic company more than $80 million in return for keeping the generic drug off the market. Meanwhile, users of Cardizem—which treats high blood pressure, chest pains and heart disease—were paying about $73 a month when the generic would have cost about $32 a month.

Last July, the Federal Trade Commission released a long-awaited report that found that brand-name drug manufacturers have misused legal loopholes to delay the entry of lower-cost generics into the market. The FTC found that these tactics have led to delays of between four and 40 months—

over and above the first 30-month stay provided under Hatch-Waxman—for generic competitors of at least eight drugs since 1992. Moreover, six of the eight delays have occurred since 1998.

The FTC report points to two specific provisions of the Hatch-Waxman Act—the automatic 30-month stay and the 180–day market exclusivity for the first generic to file a patent challenge—as being susceptible to strategies that could delay the entry of lower-cost generics into the market. According to the report, these loopholes ''continue to have the potential for abuse,'' and, if left unchanged, ''may have more significance in the future.'' These are the very loopholes that the legislation we are introducing today would close.

The original Hatch-Waxman Act was a carefully constructed compromise that balanced an expedited FDA approval process to speed the entry of lower-cost generic drugs into the market with additional patent protections to ensure continuing innovation. The bipartisan bill that we are introducing today restores that balance by closing the loopholes that have reduced the original law's effectiveness in bringing lower-cost generic drugs to market more quickly, and I urge all of my colleagues to join us as cosponsors.

By Mr. INOUYE:

S. 57. A bill for the relief of Donald C. Pence; to the Committee on Veterans' Affairs.

Mr. INOUYE. Mr. President, today I am introducing a private relief bill on behalf of Donald C. Pence of Stanford, NC, for compensation for the failure of the Department of Veterans Affairs to pay dependency and indemnity compensation to Kathryn E. Box, the now-deceased mother of Donald C. Pence. It is rare that a Federal agency admits a mistake. In this case, the Department of Veterans Affairs has admitted that a mistake was made and explored ways to permit payment under the law, including equitable relief, but has found no provisions authorizing the Department to release the remaining benefits that were unpaid to Mrs. Box at the time of her death. My bill would correct this injustice, and I urge my colleagues to support this measure.

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

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

S. 57

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

SECTION 1. RELIEF OF DONALD C. PENCE.

(a) RELIEF.—The Secretary of the Treasury shall pay, out of any moneys in the Treasury not otherwise appropriated, to Donald C. Pence, of Sanford, North Carolina, the sum of $31,128 in compensation for the failure of the Department of Veterans Affairs to pay dependency and indemnity compensation to Kathryn E. Box, the now-deceased mother of Donald C. Pence, for the period beginning on July 1, 1990, and ending on March 31, 1993.

(b) LIMITATION ON FEES.—Not more than a total of 10 percent of the payment authorized by subsection (a) shall be paid to or received by agents or attorneys for services rendered in connection with obtaining such payment, any contract to the contrary notwithstanding. Any person who violates this subsection shall be fined not more than $1,000.

By Mr. INOUYE:

S. 58. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for the conversion of cooperative housing corporations into condominiums; to the Committee on Finance.

Mr. INOUYE. Mr. President, today I rise to introduce legislation which would amend the Internal Revenue Code of 1986 to allow Cooperative Housing Corporations, co-ops, to convert to condominium forms of ownership.

Under current law, a conversion from a cooperative shareholding to condominium ownership is taxable at a corporate level as well as an individual level. The conversion is treated as a corporate liquidation, and therefore taxed accordingly. In addition, a capital gains tax is levied on any increase between the owner's basis in the co-op share pre-conversion and the market value of the condominium interest post-conversion. This double taxation dissuades condominium conversion because the owner is being taxed on the transaction which is nothing more than a change in the form of ownership. While the Internal Revenue Service concedes that there are no discernable advantages to society of the cooperative form of ownership, they do not view Federal tax statutes as providing sufficient flexibility with which to address the obstacles of conversion.

Cooperative housing organizes the ownership structure into a corporation, with shares of stock for each apartment unit, which are sold to buyers. The corporation then issues a proprietary lease entitling the owner of the stock to the use of the unit in perpetuity. Because the investment is in the form of a share of stock, investors sometimes lose their entire investment as a result of debt incurred by the corporation in construction and development. In addition, due to the structure of a cooperative housing corporation, a prospective purchaser of shares in the corporation from an existing tenant-stockholders has difficulty obtaining mortgage financing for the purchase. Furthermore, tenant-stockholders of cooperative housing also encounter difficulties in securing bank loans for the full value of their investment.

As a result, owners of cooperative housing are increasingly looking toward conversion to the condominium structure of ownership. Condominium ownership permits the owner of a unit to own the unit itself, eliminating the cooperative housing dilemma of corporate debt that supersedes the investment of cooperative housing share owners, and other financial concerns.

The legislation I introduce today will remove the penalty of double taxation from the conversion of cooperative housing to condominium ownership, and will greatly benefit co-op owners across the nation. The bill does not apply to cooperatives which have been or are now being financed by any Federal, State, or local programs for the purpose of assisting in the construction of affordable housing cooperatives or the conversion of rental units to affordable housing cooperatives. I urge my colleagues' consideration of and support for this measure.

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

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

S. 58

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

SECTION 1. NONRECOGNITION OF GAIN OR LOSS ON DISTRIBUTIONS BY COOPERATIVE HOUSING CORPORATIONS.

(a) IN GENERAL.—Section 216(e) of the Internal Revenue Code of 1986 (relating to distributions by cooperative housing corporations) is amended to read as follows:

''(e) DISTRIBUTIONS BY COOPERATIVE HOUSING CORPORATIONS.—

''(1) IN GENERAL.—Except as provided in regulations—

''(A) no gain or loss shall be recognized to a cooperative housing corporation on the distribution by such corporation of a dwelling unit to a stockholder in such corporation if such distribution is in exchange for the stockholder's stock in such corporation, and

''(B) no gain or loss shall be recognized to a stockholder of such corporation on the transfer of such stockholder's stock in an exchange described in subparagraph (A).

''(2) BASIS.—The basis of a dwelling unit acquired in a distribution to which paragraph (1) applies shall be the same as the basis of the stock in the cooperative housing corporation for which it is exchanged, decreased in the amount of any money received by the taxpayer in such exchange.

(3) APPLICABILITY.—This subsection shall not apply with respect to any dwelling unit the basis of which includes financing under any Federal, State, or local program for the purpose of assisting the construction of affordable housing cooperatives or the conversion of rental units to affordable housing cooperatives.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions after the date of the enactment of this Act.

By Mr. INOUYE:

S. 59. A bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft; to the Committee on Armed Services.

Mr. INOUYE. Mr. President, today I am reintroducing a bill which is of great importance to a group of patriotic Americans. This legislation is designed to extend space-available travel privileges on military aircraft to those who have been totally disabled in the service of our country.

Currently, retired members of the Armed Forces are permitted to travel

on a space-available basis on nonscheduled military flights within the continental United States, and on scheduled overseas flights operated by the Military Airlift Command. My bill would provide the same benefits for veterans with 100 percent service-connected disabilities.

We owe these heroic men and women who have given so much to our country a debt of gratitude. Of course, we can never repay them for the sacrifices they have made on behalf of our Nation, but we can surely try to make their lives more pleasant and fulfilling. One way in which we can help is to extend military travel privileges to these distinguished American veterans. I have received numerous letters from all over the country attesting to the importance attached to this issue by veterans. Therefore, I ask that my colleagues show their concern and join me in saying ''thank you'' by supporting this legislation.

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

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

S. 59

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

SECTION 1. TRAVEL ON MILITARY AIRCRAFT OF CERTAIN DISABLED FORMER MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Chapter 53 of title 10, United States Code, is amended by adding after section 1060a the following new section:

''§ 1060b. Travel on military aircraft: certain disabled former members of the armed forces

''The Secretary of Defense shall permit any former member of the armed forces who is entitled to compensation under the laws administered by the Secretary of Veterans Affairs for a service-connected disability rated as total to travel, in the same manner and to the same extent as retired members of the armed forces, on unscheduled military flights within the continental United States and on scheduled overseas flights operated by the Military Airlift Command. The Secretary of Defense shall permit such travel on a space-available basis.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 1060a the following new item:

''1060b. Travel on military aircraft: certain disabled former members of the armed forces.''.

By Mr. INOUYE:

S. 60. A bill to amend title 10, United States Code, to authorize certain disabled former prisoners of war to use Department of Defense commissary and exchange stores; to the Committee on Armed Services.

Mr. INOUYE. Mr. President, today I am reintroducing legislation to enable those former prisoners of war who have been separated honorably from their respective services and who have been rated as having a 30 percent service-connected disability to have the use of both the military commissary and post exchange privileges. While I realize it is impossible to adequately compensate one who has endured long periods of incarceration at the hands of our Nation's enemies, I do feel this gesture is both meaningful and important to those concerned because it serves as a reminder that our Nation has not forgotten their sacrifices.

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

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

S. 60

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

SECTION 1. USE OF COMMISSARY AND EXCHANGE STORES BY CERTAIN DISABLED FORMER PRISONERS OF WAR.

(a) IN GENERAL.—Chapter 54 of title 10, United States Code, is amended by inserting after section 1064 the following new section:

''§ 1064a. Use of commissary and exchange stores by certain disabled former prisoners of war

''(a) IN GENERAL.—Under regulations prescribed by the Secretary of Defense, former prisoners of war described in subsection (b) may use commissary and exchange stores.

''(b) COVERED INDIVIDUALS.—Subsection (a) applies to any former prisoner of war who—

''(1) separated from active duty in the armed forces under honorable conditions; and

''(2) has a service-connected disability rated by the Secretary of Veterans Affairs at 30 percent or more.

''(c) DEFINITIONS.—In this section:

''(1) The term 'former prisoner of war' has the meaning given that term in section 101(32) of title 38.

''(2) The term 'service-connected' has the meaning given that term in section 101(16) of title 38.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1064 the following new item:

''1064a. Use of commissary and exchange stores by certain disabled former prisoners of war.''.

By Mr. INOUYE:

S. 61. A bill to amend title VII of the Public Health Service Act to revise and extend certain programs relating to the education of individuals as health professionals, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. INOUYE. Mr. President, today I rise to introduce the Physical and Occupational Therapy Education Act of 2003. This legislation will increase educational opportunities for physical therapy and occupational therapy practitioners in order to meet the growing demand for the valuable services they provide in our communities.

Several factors contribute to the present need for federal support in this area. The rapid aging of our Nation's population, the demands of the AIDS crisis, increasing emphasis on health promotion and disease prevention, and the growth of home health care has increased the demand for physical and occupational therapy services. This demand has exceeded our ability to educate an adequate number of physical therapists and occupational therapists. In addition, technological advances are allowing injured and disabled individuals to survive conditions that would have proven fatal in past years.

An inadequate number of physical therapists has led to an increased reliance on foreign-educated, non-immigrant temporary workers who enter the U.S. as H–1B visa holders. The U.S. Commission on Immigration Reform has identified physical therapy and occupational therapy as having the highest number of H–1B visa holders in the United States, second only to computer specialists.

In addition to the shortage of practitioners, a shortage of faculty impedes the expansion of established education programs. The critical shortage of doctoral-prepared occupational therapists and physical therapists has resulted in a depleted pool of potential faculty. This bill would assist in the development of qualified faculty by giving preference to grant applicants seeking to develop and expand post-professional programs for the advanced training of physical and occupational therapists.

The legislation I introduce today would provide necessary assistance to physical and occupational therapy programs throughout the country. The investment we make will help reduce America's dependence on foreign labor and create highly-skilled, high-wage employment opportunities for American citizens.

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

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

S. 61

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Physical Therapy and Occupational Therapy Education Act of 2003''.

SEC. 2. PHYSICAL THERAPY AND OCCUPATIONAL THERAPY.

Subpart 2 of part E of title VII of the Public Health Service Act (42 U.S.C. 295 et seq.) is amended by inserting after section 769, the following:

''SEC. 769A. PHYSICAL THERAPY AND OCCUPATIONAL THERAPY.

''(a) IN GENERAL.—The Secretary may make grants to, and enter into contracts with, programs of physical therapy and occupational therapy for the purpose of planning and implementing projects to recruit and retain faculty and students, develop curriculum, support the distribution of physical therapy and occupational therapy practitioners in underserved areas, or support the continuing development of these professions.

''(b) PREFERENCE IN MAKING GRANTS.—In making grants under subsection (a), the Secretary shall give preference to qualified applicants that seek to educate physical therapists or occupational therapists in rural or urban medically underserved communities, or to expand post-professional programs for the advanced education of physical therapy or occupational therapy practitioners.

''(c) PEER REVIEW.—Each peer review group under section 799(f) that is reviewing proposals for grants or contracts under subsection (a) shall include not fewer than 2 physical therapists or occupational therapists.

''(d) REPORT TO CONGRESS.—

''(1) IN GENERAL.—The Secretary shall prepare a report that—

''(A) summarizes the applications submitted to the Secretary for grants or contracts under subsection (a);

''(B) specifies the identity of entities receiving the grants or contracts; and

''(C) evaluates the effectiveness of the program based upon the objectives established by the entities receiving the grants or contracts.

''(2) DATE CERTAIN FOR SUBMISSION.—Not later than February 1, 2004, the Secretary shall submit the report prepared under paragraph (1) to the Committee on Commerce and the Committee on Appropriations of the House of Representatives, the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate.

''(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $3,000,000 for each of the fiscal years 2004 through 2006.''.

By Mr. INOUYE:

S. 62. A bill to amend title XVIII of the Social Security Act to remove the restriction that a clinical psychologist or clinical social worker provide services in a comprehensive outpatient rehabilitation facility to a patient only under the care of a physician; to the Committee on Finance.

Mr. INOUYE. Mr. President, today I introduce legislation to authorize the autonomous functioning of clinical psychologists and clinical social workers within the Medicare comprehensive outpatient rehabilitation facility program.

In my judgment, it is unfortunate that Medicare requires clinical supervision of the services provided by certain health professionals and does not allow them to function to the full extent of their State practice licenses. Those who need the services of outpatient rehabilitation facilities should have access to a wide range of social and behavioral science expertise. Clinical psychologists and clinical social workers are recognized as independent providers of mental health care services under the Federal Employee Health Benefits Program, the Civilian Health and Medical Program of the Uniformed Services, the Medicare, Part B, Program, and numerous private insurance plans. This legislation will ensure that these qualified professionals achieve the same recognition under the Medicare comprehensive outpatient rehabilitation facility program.

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

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

S. 62

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Autonomy for Psychologists and Social Workers Act of 2003''.

SEC. 2. REMOVAL OF RESTRICTION THAT A CLINICAL PSYCHOLOGIST OR CLINICAL SOCIAL WORKER PROVIDE SERVICES IN A COMPREHENSIVE OUTPATIENT REHABILITATION FACILITY TO A PATIENT ONLY UNDER THE CARE OF A PHYSICIAN.

(a) IN GENERAL.—Section 1861(cc)(2)(E) of the Social Security Act (42 U.S.C. 1395x(cc)(2)(E)) is amended by striking ''physician'' and inserting ''physician, except that a patient receiving qualified psychologist services (as defined in subsection (ii)) may be under the care of a clinical psychologist with respect to such services to the extent permitted under State law and except that a patient receiving clinical social worker services (as defined in subsection (hh)(2)) may be under the care of a clinical social worker with respect to such services to the extent permitted under State law''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to services provided on or after January 1, 2004.

By Mr. INOUYE:

S. 63. A bill to amend title XIX of the Social Security Act to provide for coverage of services provided by nursing school clinics under State Medicaid programs; to the Committee on Finance.

Mr. INOUYE. Mr. President, today I introduce the Nursing School Clinics Act of 2003. This measure builds on our concerted efforts to provide access to quality health care for all Americans by offering grants and incentives for nursing schools to establish primary care clinics in underserved areas where additional medical services are most needed. In addition, this measure provides the opportunity for nursing schools to enhance the scope of student training and education by providing firsthand clinical experience in primary care facilities.

Primary care clinics administered by nursing schools are university or nonprofit primary care centers developed mainly in collaboration with university schools of nursing and the communities they serve. These centers are staffed by faculty and staff who are nurse practitioners and public health nurses. Students supplement patient care while receiving preceptorships provided by college of nursing faculty and primary care physicians, often associated with academic institutions, who serve as collaborators with nurse practitioners. To date, the comprehensive models of care provided by nursing clinics have yielded excellent results, including significantly fewer emergency room visits, fewer hospital inpatient days, and less use of specialists, as compared to conventional primary health care.

This bill reinforces the principle of combining health care delivery in underserved areas with the education of advanced practices nurses. To accomplish these objectives, Title XIX of the Social Security Act would be amended to designate that the services provided in these nursing school clinics are reimbursable under Medicaid. The combination of grants and the provision of Medicaid reimbursement furnishes the financial incentives for clinic operators to establish the clinics.

In order to meet the increasing challenges of bringing cost-effective and quality health care to all Americans, we must consider a wide range of proposals, both large and small. Most importantly, we must approach the issue of health care with creativity and determination, ensuring that all reasonable avenues are pursued. Nurses have always been an integral part of health care delivery. The Nursing School Clinics Act of 2003 recognizes the central role nurses can perform as care givers to the medically underserved.

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

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

S. 63

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Nursing School Clinics Act of 2003''.

SEC. 2. MEDICAID COVERAGE OF SERVICES PROVIDED BY NURSING SCHOOL CLINICS.

(a) IN GENERAL.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended—

(1) in paragraph (26), by striking ''and'' at the end;

(2) by redesignating paragraph (27) as paragraph (28); and

(3) by inserting after paragraph (26), the following new paragraph:

''(27) nursing school clinic services (as defined in subsection (x)) furnished by or under the supervision of a nurse practitioner or a clinical nurse specialist (as defined in section 1861(aa)(5)), whether or not the nurse practitioner or clinical nurse specialist is under the supervision of, or associated with, a physician or other health care provider; and''.

(b) NURSING SCHOOL CLINIC SERVICES DEFINED.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended by adding at the end the following new subsection:

''(x) The term 'nursing school clinic services' means services provided by a health care facility operated by an accredited school of nursing which provides primary care, long-term care, mental health counseling, home health counseling, home health care, or other health care services which are within the scope of practice of a registered nurse.''.

(c) CONFORMING AMENDMENT.—Section 1902(a)(10)(C)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(C)(iv)) is amended by inserting ''and (27)'' after ''(24)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall be effective with respect to payments made under a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) for calendar quarters commencing with the first calendar quarter beginning after the date of enactment of this Act.

By Mr. INOUYE:

S. 64. A bill to amend title XVIII of the Social Security Act to provide improved reimbursement for clinical social worker services under the medicare program; to the Committee on Finance.

Mr. INOUYE. Mr. President, today I am introducing legislation to amend Title XVIII of the Social Security Act to correct discrepancies in the reimbursement of clinical social workers covered through Medicare, Part B. The three proposed changes contained in this legislation clarify the current payment process for clinical social workers and establish a reimbursement methodology for the profession that is similar to other health care professionals reimbursed through the Medicare program.

First, this legislation sets payment for clinical social worker services according to a fee schedule established by the Secretary. Second, it explicitly states that services and supplies furnished by a clinical social worker are a covered Medicare expense, just as these services are covered for other mental health professionals in Medicare. Third, the bill allows clinical social workers to be reimbursed for services provided to a client who is hospitalized.

Clinical social workers are valued members of our health care provider network. They are legally regulated in every state of the nation and are recognized as independent providers of mental health care throughout the health care system. It is time to correct the disparate reimbursement treatment of this profession under Medicare.

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

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

S. 64

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Equity for Clinical Social Workers Act of 2003''.

SEC. 2. IMPROVED REIMBURSEMENT FOR CLINICAL SOCIAL WORKER SERVICES UNDER MEDICARE.

(a) IN GENERAL.—Section 1833(a)(1)(F)(ii) of the Social Security Act (42 U.S.C. 1395l(a)(1)(F)(ii)) is amended to read as follows: ''(ii) the amount determined by a fee schedule established by the Secretary,''.

(b) DEFINITION OF CLINICAL SOCIAL WORKER SERVICES EXPANDED.—Section 1861(hh)(2) of the Social Security Act (42 U.S.C. 1395x(hh)(2)) is amended by striking ''services performed by a clinical social worker (as defined in paragraph (1))'' and inserting ''such services and such services and supplies furnished as an incident to such services performed by a clinical social worker (as defined in paragraph (1))''.

(c) CLINICAL SOCIAL WORKER SERVICES NOT TO BE INCLUDED IN INPATIENT HOSPITAL SERVICES.—Section 1861(b)(4) of the Social Security Act (42 U.S.C. 1395x(b)(4)) is amended by striking ''and services'' and inserting ''clinical social worker services, and services''.

(d) TREATMENT OF SERVICES FURNISHED IN INPATIENT SETTING.—Section 1832(a)(2)(B)(iii) of the Social Security Act (42 U.S.C. 1395k(a)(2)(B)(iii)) is amended by striking ''and services'' and inserting ''clinical social worker services, and services''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made for clinical social worker services furnished on or after January 1, 2004.

By Mr. INOUYE:

S. 65. A bill to amend title VII of the Public Health Service Act to establish a psychology post-doctoral fellowship program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. INOUYE. Mr. President, I am introducing legislation today to amend Title VII of the Public Health Service Act to establish a psychology post-doctoral program.

Psychologists have made a unique contribution in reaching out to the Nation's medically underserved populations. Expertise in behavioral science is useful in addressing grave concerns such as violence, addiction, mental illness, adolescent and child behavioral disorders, and family disruption. Establishment of a psychology post-doctoral program could be an effective way to find solutions to these issues.

Similar programs supporting additional, specialized training in traditionally underserved settings have been successful in retaining participants to serve the same populations. For example, mental health professionals who have participated in these specialized federally funded programs have tended not only to meet their repayment obligations, but have continued to work in the public sector or with the underserved.

While a doctorate in psychology provides broad-based knowledge and mastery in a wide variety of clinical skills, specialized post-doctoral fellowship programs help to develop particular diagnostic and treatment skills required to respond effectively to underserved populations. For example, what appears to be poor academic motivation in a child recently relocated from Southeast Asia might actually reflect a cultural value of reserve rather than a disinterest in academic learning. Specialized assessment skills enable the clinician to initiate effective treatment.

Domestic violence poses a significant public health problem and is not just a problem for the criminal justice system. Violence against women results in thousands of hospitalizations a year. Rates of child and spouse abuse in rural areas are particularly high, as are the rates of alcohol abuse and depression in adolescents. A post-doctoral fellowship program in the psychology of the rural populations could be of special benefit in addressing these problems.

Given the demonstrated success and effectiveness of specialized training programs, it is incumbent upon us to encourage participation in post-doctoral fellowships that respond to the needs of the nation's underserved.

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

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

S. 65

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Psychologists in the Service of the Public Act of 2003''.

SEC. 2. GRANTS FOR FELLOWSHIPS IN PSYCHOLOGY.

Part C of title VII of the Public Health Service Act (42 U.S.C. 293k et seq.) is amended by adding at the end the following:

''SEC. 749. GRANTS FOR FELLOWSHIPS IN PSYCHOLOGY.

''(a) IN GENERAL.—The Secretary shall establish a psychology post-doctoral fellowship program to make grants to and enter into contracts with eligible entities to encourage the provision of psychological training and services in underserved treatment areas.

''(b) ELIGIBLE ENTITIES.—

''(1) INDIVIDUALS.—In order to receive a grant under this section an individual shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary shall require, including a certification that such individual—

''(A) has received a doctoral degree through a graduate program in psychology provided by an accredited institution at the time such grant is awarded;

''(B) will provide services in a medically underserved population during the period of such grant;

''(C) will comply with the provisions of subsection (c); and

''(D) will provide any other information or assurances as the Secretary determines appropriate.

''(2) INSTITUTIONS.—In order to receive a grant or contract under this section, an institution shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary shall require, including a certification that such institution—

''(A) is an entity, approved by the State, that provides psychological services in medically underserved areas or to medically underserved populations (including entities that care for the mentally retarded, mental health institutions, and prisons);

''(B) will use amounts provided to such institution under this section to provide financial assistance in the form of fellowships to qualified individuals who meet the requirements of subparagraphs (A) through (C) of paragraph (1);

''(C) will not use in excess of 10 percent of amounts provided under this section to pay for the administrative costs of any fellowship programs established with such funds; and

''(D) will provide any other information or assurance as the Secretary determines appropriate.

''(c) CONTINUED PROVISION OF SERVICES.—Any individual who receives a grant or fellowship under this section shall certify to the Secretary that such individual will continue to provide the type of services for which such grant or fellowship is awarded for at least 1 year after the term of the grant or fellowship has expired.

''(d) REGULATIONS.—Not later than 180 days after the date of enactment of this section, the Secretary shall promulgate regulations necessary to carry out this section, including regulations that define the terms 'medically underserved areas' or 'medically unserved populations'.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $5,000,000 for each of the fiscal years 2004 through 2006.''.

By Mr. INOUYE:

S. 66. A bill to amend title 5, United States Code, to require the issuance of prisoner-of-war medal to civilian employees of the Federal Government who are forcibly detained or interned by an enemy government or a hostile force under wartime conditions; to the Committee on Governmental Affairs.

Mr. INOUYE. Mr. President, all too often we find that our Nation's civilian employees of the Federal Government who have been forcibly detained or interred by a hostile government do not receive the recognition they deserve. My bill would correct this inequity and provide a prisoner of war medal for such citizens.

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

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

S. 66

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

SECTION 1. PRISONER-OF-WAR MEDAL FOR CIVILIAN EMPLOYEES OF THE FEDERAL GOVERNMENT.

(a) AUTHORITY TO ISSUE PRISONER-OF-WAR MEDAL.—(1) Subpart A of part III of title 5, United States Code, is amended by inserting after chapter 23 the following new chapter:

''CHAPTER 25—MISCELLANEOUS AWARDS

''Sec.

''2501. Prisoner-of-war medal: issue.

''§ 2501. Prisoner-of-war medal: issue

''(a) The President shall issue a prisoner-of-war medal to any person who, while serving in any capacity as an officer or employee of the Federal Government, was forcibly detained or interned, not as a result of such person's own willful misconduct—

''(1) by an enemy government or its agents, or a hostile force, during a period of war; or

''(2) by a foreign government or its agents, or a hostile force, during a period other than a period of war in which such person was held under circumstances which the President finds to have been comparable to the circumstances under which members of the armed forces have generally been forcibly detained or interned by enemy governments during periods of war.

''(b) The prisoner-of-war medal shall be of appropriate design, with ribbons and appurtenances.

''(c) Not more than one prisoner-of-war medal may be issued to a person under this section or section 1128 of title 10. However, for each succeeding service that would otherwise justify the issuance of such a medal, the President (in the case of service referred to in subsection (a) of this section) or the Secretary concerned (in the case of service referred to in section 1128(a) of title 10) may issue a suitable device to be worn as determined by the President or the Secretary, as the case may be.

''(d) For a person to be eligible for issuance of a prisoner-of-war medal, the person's conduct must have been honorable for the period of captivity which serves as the basis for the issuance.

''(e) If a person dies before the issuance of a prisoner-of-war medal to which he is entitled, the medal may be issued to the person's representative, as designated by the President.

''(f) Under regulations to be prescribed by the President, a prisoner-of-war medal that is lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom it was issued may be replaced without charge.

''(g) In this section, the term 'period of war' has the meaning given such term in section 101(11) of title 38.''.

(2) The table of chapters at the beginning of part III of such title is amended by inserting after the item relating to chapter 23 the following new item:

''25. Miscellaneous Awards ..... 2501''.

(b) APPLICABILITY.—Section 2501 of title 5, United States Code, as added by subsection (a), applies with respect to any person who, after April 5, 1917, is forcibly detained or interned as described in subsection (a) of such section.

By Mr. INOUYE:

S. 67. A bill for the relief of Jim K. Yoshida; to the Committee on Veterans' Affairs.

Mr. INOUYE. Mr. President, today I am introducing a private relief bill on behalf of Jim K. Yoshida, to obtain recognition of his service with the U.S. military in Korea so that he may obtain veteran's status.

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

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

S. 67

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

SECTION 1. VETERAN STATUS.

(a) ENTITLEMENT TO STATUS.—Notwithstanding any other provision of law, Jim K. Yoshida of Honolulu, Hawaii, is deemed to be a veteran for the purposes of all laws administered by the Secretary of Veterans Affairs.

(b) TREATMENT OF SERVICE.—Notwithstanding any other provision of law, the service of Jim K. Yoshida of Honolulu, Hawaii, as a volunteer member of the United States Army during the period beginning on July 2, 1950, and ending on January 17, 1951, shall be deemed to be active military service from which Jim K. Yoshida was discharged under honorable conditions for the purposes of all laws administered by the Secretary of Veterans Affairs.

(c) PROSPECTIVE APPLICABILITY.—No benefits may be paid or otherwise provided to Jim K. Yoshida of Honolulu, Hawaii, by reason of the enactment of this Act with respect to any period before the date of the enactment of this Act.

By Mr. INOUYE:

S. 68. A bill to amend title 36, United States Code, to improve benefits for Filipino veterans of World War II, and for other purposes; to the Committee on Veterans' Affairs.

Mr. INOUYE. Mr. President, I rise to introduce the Filipino Veterans' Benefits Improvement Act of 2003 to give our country the opportunity to right a wrong committed decades ago by providing Philippine-born veterans of World War II, who served in the United States Armed Forces, their hard-earned, due compensation.

The Philippines became a United States possession in 1898, when it was ceded from Spain following the Spanish-American War. In 1934, the Congress enacted the Philippine Independence Act, Public Law 73–127, which provided a 10-year time frame for the independence of the Philippines. Between 1934 and final independence in 1946, the United States retained certain powers over the Philippines, including the right to call all military forces organized by the newly-formed Commonwealth government into the service of the United States Armed Forces.

On July 26, 1941, President Roosevelt issued an Executive Order calling members of the Philippine Commonwealth Army into the service of the United States Armed Forces of the Far East. Under this order, Filipinos were entitled to full veterans' benefits. More than 100,000 Filipinos volunteered for the Philippine Commonwealth Army and fought alongside the United States Armed Forces.

Shortly after Japan's surrender, Congress enacted the Armed Forces Voluntary Recruitment Act of 1945 for the purpose of sending American troops to occupy enemy lands, and to oversee military installations at various overseas locations.

A provision included in the Recruitment Act called for the enlistment of Philippine citizens to constitute a new body of scouts. The New Philippine Scouts were authorized to receive pay and allowances for services performed throughout the Western Pacific. Although hostilities had ceased, wartime service of the New Philippine Scouts continued as a matter of law until the end of 1946.

Despite their sacrifices, on February 18, 1946, Congress betrayed these veterans by enacting the Rescission Act of 1946 and declaring the service performed by the Philippine Commonwealth Army veterans as not ''active service,'' thus denying many benefits to which these veterans were entitled.

On May 27, 1946, the Congress enacted the Second Supplemental Surplus Appropriations Rescission Act, which included a provision to limit veterans' benefits provided to Filipinos. This provision duplicated the language that had eliminated veterans' benefits under the First Rescission Act, and placed similar restrictions on veterans of the New Philippine Scouts. Thus, the Filipino veterans who fought in the service of the United States during World War II were precluded from receiving most veterans' benefits that had been available to them before 1946, and that are available to all other veterans of our armed forces regardless of race, national origin, or citizenship status.

The Congress tried to rectify the wrong committed against the Filipino veterans of World War II by amending the Nationality Act of 1940, to grant the veterans the privilege of becoming United States citizens for having served in the United States Armed Forces of the Far East. The law expired at the end of 1946, but not before the United States had withdrawn its sole naturalization examiner from the Philippines for a nine-month period. This

effectively denied Filipino veterans the opportunity to become citizens during this nine-month window. Forty-five years later, under the Immigration Act of 1990, certain Filipino veterans who had served during World War II became eligible for United States citizenship. Between November, 1990, and February, 1995, approximately 24,000 veterans took advantage of this opportunity and became United States citizens.

Although progress has been made, we must, as a nation, correct fully the injustice caused by the Rescission Acts by providing equal treatment for the service and sacrifice by these brave men. The Filipino Veterans' Benefits Improvement Act of 2003 will compensate eligible veterans by providing a number of needed benefits: Dependency and Indeminity Compensation to surviving widows of service-connected veterans living in the United States; a payment increase to New Philippine Scouts and survivors residing in the United States from 50 percent to the full dollar amount for service-connected disability compensation; authorization of non-service connected disability pensions for veterans residing in the Philippines, but at a rate of $100 per month, which matches the amount of the veterans' pension received by them from the Philippine government; access to veterans hospitals for non-service connected disabled veterans in the same manner as United States veterans; and $500,000 per year to the Outpatient Clinic in Manila.

Heroes should never be forgotten or ignored, so let us not turn our backs on those who sacrificed so much. Many of the Filipinos who fought so hard for our nation have been honored with American citizenship, but let us now work to repay all of these brave men for their sacrifices by providing them the veterans' benefits they have earned.

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. 68

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Filipino Veterans' Benefits Improvements Act of 2003''.

SEC. 2. RATE OF PAYMENT OF CERTAIN BENEFITS FOR NEW PHILIPPINE SCOUTS RESIDING IN THE UNITED STATES.

(a) RATE OF PAYMENT.—Section 107 of title 38, United States Code, is amended—

(1) in the second sentence of subsection (b), by striking ''Payments'' and inserting ''Except as provided in subsection (c), payments''; and

(2) in subsection (c)—

(A) by inserting ''or (b)'' after ''subsection (a)'' the first place it appears; and

(B) by striking ''subsection (a)'' the second place it appears and inserting ''the applicable subsection''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply to benefits paid for months beginning on or after that date.

SEC. 3. RATE OF PAYMENT OF DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES OF CERTAIN FILIPINO VETERANS.

(a) RATE OF PAYMENT.—Subsection (c) of section 107 of title 38, United States Code, as amended by section 2 of this Act, is further amended by inserting '', and under chapter 13 of this title,'' after ''chapter 11 of this title''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply to benefits paid for months beginning on or after that date.

SEC. 4. ELIGIBILITY OF CERTAIN FILIPINO VETERANS FOR DISABILITY PENSION.

(a) ELIGIBILITY.—Section 107 of title 38, United States Code, as amended by this Act, is further amended—

(1) in subsection (a)—

(A) in paragraph (3) of the first sentence, by inserting ''15,'' before ''23,''; and

(B) in the second sentence, by striking ''subsections (c) and (d)'' and inserting ''subsections (c), (d), and (e)''; and

(2) in subsection (b)—

(A) by striking paragraph (2) of the first sentence and inserting the following new paragraph (2):

''(2) chapters 11, 13 (except section 1312(a)), and 15 of this title.''; and

(B) in the second sentence, by striking ''subsection (c)'' and inserting ''subsections (c) and (e)''.

(b) RATE OF PAYMENT.—That section is further amended by adding at the end the following new subsection:

''(e) In the case of benefits under chapter 15 of this title paid by reason of service described in subsection (a) or (b), if—

''(1) the benefits are paid to an individual residing in the United States who is a citizen of, or an alien lawfully admitted for permanent residence in, the United States, the second sentence of the applicable subsection shall not apply; and

''(2) the benefits are paid to an individual residing in the Republic of the Philippines, the benefits shall be paid (notwithstanding any other provision of law) at the rate of $100 per month.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply to benefits for months beginning on or after that date.

SEC. 5. ELIGIBILITY OF FILIPINO VETERANS FOR HEALTH CARE IN THE UNITED STATES.

The text of section 1734 of title 38, United States Code, is amended to read as follows:

''The Secretary, within the limits of Department facilities, shall furnish hospital and nursing home care and medical services to Commonwealth Army veterans and new Philippine Scouts in the same manner as provided for under section 1710 of this title.''.

SEC. 6. OUTPATIENT HEALTH CARE FOR VETERANS RESIDING IN THE PHILIPPINES.

(a) IN GENERAL.—Subchapter IV of chapter 17 of title 38, United States Code, is amended—

(1) by redesignating section 1735 as section 1736; and

(2) by inserting after section 1734 the following new section 1735:

''§ 1735. Outpatient care and services for World War II veterans residing in the Philippines

''(a) OUTPATIENT HEALTH CARE.—The Secretary shall furnish care and services to veterans of World War II, Commonwealth Army veterans, and new Philippine Scouts for the treatment of the service-connected disabilities and nonservice-connected disabilities of such veterans and scouts residing in the Republic of the Philippines on an outpatient basis at the Manila VA Outpatient Clinic.

''(b) LIMITATIONS.—(1) The amount expended by the Secretary for the purpose of subsection (a) in any fiscal year may not exceed $500,000.

''(2) The authority of the Secretary to furnish care and services under subsection (a) is effective in any fiscal year only to the extent that appropriations are available for that purpose.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by striking the item relating to section 1735 and inserting after the item relating to section 1734 the following new items:

''1735. Outpatient care and services for World War II veterans residing in the Philippines.

''1736. Definitions.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

NOTICE

Incomplete record of Senate proceedings.

Today's Senate proceedings will be continued in the next issue of the Record.

ORDERS FOR THURSDAY, JANUARY 9, 2003

Mr. MCCONNELL. Mr. President, I ask unanimous consent that if the motion to adjourn is agreed to later today, the Senate stand in adjournment until 9:30 a.m. on Thursday, January 9; I further ask consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved, and there then be a period of morning business, with Members permitted to speak for up to 10 minutes each, until the hour of 11:30.

The PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—VOTE ON MOTION TO ADJOURN

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate vote on the motion to adjourn at the hour of 5:15 today.

The PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I ask for the yeas and nays.

The PRESIDENT pro tempore. Without objection, we will order the yeas and nays.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, if I could get the attention of my counterpart, the distinguished Senator from Kentucky, there are Senators here on the floor now. We will have the vote stay open for certainly past 15 minutes. I am wondering if we could go ahead and start the vote now. There is no other business to come before the Senate. There are Members in the Chamber from both sides of the aisle.

Mr. McCONNELL. Mr. President, let me say that we are just hotlining it now. If I could ask my friend from Nevada to withhold temporarily, we will be able to give him an answer shortly.

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

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

The legislative clerk proceeded to call the roll.

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

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

VOTE ON MOTION TO ADJOURN

Mr. McCONNELL. Mr. President, I ask unanimous consent that the vote previously ordered proceed.

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

The question is on agreeing to the motion to adjourn. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. KERRY), and the Senator from Wisconsin (Mr. KOHL) are necessarily absent.

The result was announced—yeas 51, nays 46, as follows:

[Rollcall Vote No. 1 Leg.]

YEAS—51

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

NAYS—46

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

NOT VOTING—3

Kennedy	Kerry	Kohl

ADJOURNMENT UNTIL 9:30 A.M., THURSDAY, JANUARY 9, 2003

The motion was agreed to and at 6:13 p.m., the Senate adjourned until Thursday, January 9, 2003, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate January 7, 2003:

DEPARTMENT OF HOMELAND SECURITY

THOMAS J. RIDGE, OF PENNSYLVANIA, TO BE SECRETARY OF HOMELAND SECURITY. (NEW POSITION)

GORDON ENGLAND, OF TEXAS, TO BE DEPUTY SECRETARY OF HOMELAND SECURITY. (NEW POSITION)

THE JUDICIARY

TERRENCE W. BOYLE, OF NORTH CAROLINA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT, VICE J. DICKSON PHILLIPS, JR., RETIRED.

JAY S. BYBEE, OF NEVADA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE PROCTER R. HUG, JR., RETIRED.

DEBORAH L. COOK, OF OHIO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT, VICE ALAN E. NORRIS, RETIRED.

MIGUEL A. ESTRADA, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT, VICE PATRICIA M. WALD, RETIRED.

RICHARD A. GRIFFIN, OF MICHIGAN, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT, VICE DAMON J. KEITH, RETIRED.

CAROLYN B. KUHL, OF CALIFORNIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE JAMES R. BROWNING, RETIRED.

DAVID W. MCKEAGUE, OF MICHIGAN, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT, VICE RICHARD F. SUHRHEINRICH, RETIRED.

SUSAN BIEKE NEILSON, OF MICHIGAN, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT, VICE CORNELIA G. KENNEDY, RETIRED.

PRISCILLA RICHMAN OWEN, OF TEXAS, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT, VICE WILLIAM L. GARWOOD, RETIRED.

CHARLES W. PICKERING, SR., OF MISSISSIPPI, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT, VICE HENRY A. POLITZ, RETIRED.

JOHN G. ROBERTS, JR., OF MARYLAND, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT, VICE JAMES L. BUCKLEY, RETIRED.

HENRY W. SAAD, OF MICHIGAN, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT, VICE JAMES L. RYAN, RETIRED.

JEFFREY S. SUTTON, OF OHIO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT, VICE DAVID A. NELSON, RETIRED.

TIMOTHY M. TYMKOVICH, OF COLORADO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE TENTH CIRCUIT, VICE JOHN C. PORFILIO, RETIRED.

JOHN R. ADAMS, OF OHIO, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OHIO, VICE GEORGE WASHINGTON WHITE, RETIRED.

J. DANIEL BREEN, OF TENNESSEE, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF TENNESSEE, VICE JULIA SMITH GIBBONS, ELEVATED.

CORMAC J. CARNEY, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA, VICE CARLOS R. MORENO, RESIGNED.

JAMES C. DEVER III, OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NORTH CAROLINA, VICE W. EARL BRITT, RETIRED.

RALPH R. ERICKSON, OF NORTH DAKOTA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NORTH DAKOTA, VICE RODNEY S. WEBB, RETIRED.

SANDRA J. FEUERSTEIN, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK, VICE THOMAS C. PLATT, JR., RETIRED.

GREGORY L. FROST, OF OHIO, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF OHIO, VICE GEORGE C. SMITH, RETIRED.

S. MAURICE HICKS, JR., OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF LOUISIANA, VICE DONALD E. WALTER, RETIRED.

RICHARD J. HOLWELL, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK, VICE BARRINGTON D. PARKER, JR., ELEVATED.

ROBERT A. JUNELL, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF TEXAS, VICE HIPOLITO FRANK GARCIA, DECEASED.

THOMAS L. LUDINGTON, OF MICHIGAN, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MICHIGAN, VICE PAUL V. GADOLA, RETIRED .

S. JAMES OTERO, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT CALIFORNIA, VICE RICHARD A. PAEZ, ELEVATED.

WILLIAM D. QUARLES, JR., OF MARYLAND, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MARYLAND, VICE WILLIAM M. NICKERSON, RETIRED.

FREDRICK W. ROHLFING III, OF HAWAII, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF HAWAII, VICE ALAN C. KAY, RETIRED.

THOMAS A. VARLAN, OF TENNESSEE, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TENNESSEE, VICE ROBERT LEON JORDAN, RETIRED.

WILLIAM H. STEELE, OF ALABAMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF ALABAMA, VICE RICHARD W. VOLLMER, JR., RETIRED.

TIMOTHY C. STANCEU, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF INTERNATIONAL TRADE, VICE RICHARD W. GOLDBERG, RETIRED.

SUSAN G. BRADEN, OF THE DISTRICT OF COLUMBIA, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS, VICE ROGER B. ANDEWELT, DECEASED.

MARIAN BLANK HORN, OF MARYLAND, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS. (REAPPOINTMENT)

CHARLES F. LETTOW, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS, VICE JOHN PAUL WIESE, TERM EXPIRED.

MARY ELLEN COSTER WILLIAMS, OF MARYLAND, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS, VICE SARAH L. WILSON.

VICTOR J. WOLSKI, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS, VICE BOHDAN A. FUTEY, TERM EXPIRED.

GLEN L. BOWER, OF ILLINOIS, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS AFTER HE TAKES OFFICE, VICE CAROLYN MILLER PARR, TERM EXPIRED.

BRUCE E. KASOLD, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS FOR THE TERM PRESCRIBED BY LAW, VICE A NEW POSITION CREATED BY PUBLIC LAW 107–103, APPROVED DECEMBER 27, 2001.

ALAN G. LANCE, SR., OF IDAHO, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS FOR THE TERM PRESCRIBED BY LAW, VICE FRANK QUILL NEBEKER, RESIGNED.

FERN FLANAGAN SADDLER, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE PATRICIA A. WYNN, RETIRED.