

Oversight of the Condition and Regulation of the Insurance Industry.”

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

COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Commerce, Science, and Transportation Committee be authorized to meet on Wednesday, September 22, 2004, at 9:30 a.m., on pending committee business.

AGENDA

1. S. 2541, NASA Authorization Act of 2004, Floyd DesChamps/Jean Toal Eisen;

2. S. 2393, A bill to improve transportation security, Robert Chamberlin/Chris Bertram/Sam Whitehorn/Gael Sullivan;

3. S. 1798, American Home Fire Safety Act, Ken Nahigian/David Strickland/Cathy McCullough;

4. S. , Public Safety Spectrum Proposal, Bill Bailey/James Assey/Rachel Welch;

5. S. 1963, Wireless 411 Privacy Safety Act, Bill Bailey/Paul Martino/James Assey/Rachel Welch;

6. S. 1380, Rural Universal Service Equity Act of 2003, Bill Bailey/James Assey/Rachel Welch;

7. S. 2145, The Spy Block Act, Paul Martino/James Assey/Rachel Welch;

8. S. 2647, National Ocean Policy and Leadership Act, Drew Minkiewicz/Margaret Spring;

9. S. 2489, Coastal and Ocean Mapping Integration Act, Drew Minkiewicz/Margaret Spring;

10. S. 480, Training for Realtime Writers Act of 2003, Bill Bailey/James Assey/Rachel Welch;

11. Nomination of Deborah P. Majoras, PN 1899, of Virginia, to be a Commissioner of the Federal Trade Commission, Pablo Chavez/Ken Nahigian/Virginia Pounds/David Strickland/Cathy McCullough;

12. Nomination of Jon D. Leibowitz, PN 1898, of Maryland, to be a Commissioner of the Federal Trade Commission, Pablo Chavez/Ken Nahigian/Virginia Pounds/David Strickland/Cathy McCullough; and

13. Nominations for Promotion in the U.S. Coast Guard, PNs 1953, 1919, 1918, 1917, 1876, 1856, Drew Minkiewicz/Virginia Pounds/Amy Fraenkel.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 22, 2004, at 2 p.m., to hold a nomination hearing.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, September 22, 2004, at 9:30 a.m. in room 485 of the Rus-

sell Senate Office Building to conduct a business meeting on pending Committee matters, to be followed immediately by an oversight hearing on the Contributions of Native American Code Talkers in American Military History.

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

COMMITTEE ON THE JUDICIARY

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, September 22, 2004, at 9:30 a.m. on “A review of Counter-Terrorism Legislation and Proposals, including the USA Patriot Act and the SAFE Act” in the Dirksen Senate Office Building Room 226.

Witness List:

Panel I: The Honorable Larry Craig, United States Senator, R-ID and The Honorable Richard Durbin, United States Senator, D-IL.

Panel II: The Honorable James Comey, Deputy Attorney General, United States Department of Justice, Washington, DC.

Panel III: The Honorable Bob Barr, R-GA, former Member, United States House of Representatives and Daniel Collins, Esq., Munger, Tolles & Olson, LLP, Los Angeles, CA.

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

COMMITTEE ON THE JUDICIARY

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, September 22, 2004, at 3:30 p.m. on “Judiciary Nominations” in the Dirksen Senate Office Building Room 226.

Witness List:

Panel I: Senators.

Panel II: Christopher Boyko, to be United States District Judge for the Northern District of Ohio.

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

UNANIMOUS-CONSENT REQUEST—
S. 2273

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 536, which is S. 2273, at a time to be determined by the majority leader, in consultation with the Democratic leader, but no later than Friday, October 1, and that the measure be considered under the following limitations: There be 30 minutes equally divided and controlled in the usual form for debate on the bill and the committee-reported amendments; that the only amendments in order other than the committee-reported amendment be a Reed-Sarbanes transit amendment, the text of which is S. 2453; that there be 1 hour for debate on the amendment; that the time be equally divided and controlled between the bill managers and the amendment sponsors or their

designees; that upon the use or yielding back of the time on that amendment without further intervening action or debate the Senate proceed to a vote with respect to the amendment; that upon disposition of the Reed-Sarbanes amendment all time be yielded back, the committee amendments be agreed to, the bill, as amended, be read a third time, and the Senate vote on passage of the bill, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. Reserving the right to object, and I will have to object because there is objection on our side, we are prepared to pass the Rail Safety Act, S. 2273, without amendment, but I am not at liberty to agree to taking up the bill in the context that was suggested by my good friend from Nevada. Therefore, I object.

The PRESIDING OFFICER. The objection is heard.

Mr. McCONNELL. Mr. President, consistent with what I just said, I am going to propose a unanimous-consent agreement to which I am sure my good friend will then object. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 536, S. 2273, the rail safety bill.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Yes, I object.

The PRESIDING OFFICER. The objection is heard.

DISTRICT OF COLUMBIA
APPROPRIATIONS ACT, 2005

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 709, S. 2826, the District of Columbia appropriations bill; that the bill be read a third time; that the Appropriations Committee then be discharged from further consideration of H.R. 4850, the House-passed DC appropriations bill, and the Senate proceed to its consideration.

I further ask unanimous consent that all after the enacting clause of H.R. 4850 be stricken; the text of S. 2826 be inserted in lieu thereof; the bill, as amended, be read a third time and passed; and the motion to reconsider be laid upon the table.

I ask unanimous consent that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on behalf of the Senate.

Finally, I ask unanimous consent that S. 2826 then be returned to the calendar.

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

Mr. DEWINE. Mr. President, I thank the Senator from Louisiana, Ms. LANDRIEU, the ranking member on the DC Appropriations Subcommittee, for her hard work and efforts in helping to

draft the appropriations bill before us today. This bill provides \$560 million in Federal funds for the District of Columbia and includes the city's own local budget of \$6.2 billion.

The funds in this bill focus on a number of key priorities for the District of Columbia: First, improving the lives and opportunities for children in the District; second, reducing and preventing crime in the District; and third, increasing security in our Nation's capital.

The bill continues an initiative we began last year to help improve the city's long-troubled foster care system by providing funds for intensive intervention when children first enter care; providing resources for early and continued mental health services for all children in foster care; providing incentives to retain qualified social workers and foster parents; and funding a new computer tracking system for children in foster care.

The bill also focuses on children by enhancing educational opportunities for inner-city students. We are continuing to provide a total of \$40 million for three interrelated educational components: \$13 million to promote excellence in traditional public schools; \$13 million to expand choice through high quality charter schools; and \$13 million for opportunity scholarships for low-income students in failing schools.

The second priority that this bill funds crime fighting in the District. The federal government entirely funds the D.C. Courts and the Court Services and Supervision Agency. The committee is providing a total of \$337 million for these agencies, which is \$55 million more than the fiscal year enacted level. Most of these additional resources are for renovations and repairs to the City's 4th oldest building, the Historic Old Courthouse, which will make it habitable once again and provide much-needed courtroom capacity. The bill also provides additional resources to enhance supervision of high-risk sex offenders, offenders with mental health problems, and domestic violence offenders.

With this bill, we are beginning an important federal investment in a new forensics lab for the District of Columbia. Currently, the city must rely on the generosity of the FBI's crime lab. Because of its own heavy workload, the Bureau limits the amount of evidence that it can process for the city. With so many unsolved rape, murder, and other violent crime cases in the District, a new crime lab is a crucial need.

The sobering fact is that, as the seat of our Nation's capital, the District of Columbia is a target of bioterrorism attacks. And, those attacks must be investigated. Indeed, the anthrax attacks of 2001 and the ricin scare of 2004 have shown that a forensics lab is vital to public safety in the District and deserving of federal support.

The final priority in this bill is improving security in the District. As the seat of the federal government and as a

symbol of our democracy, the District of Columbia faces increased risks of terrorist attacks. Therefore, the bill includes security funding, including resources to complete a Unified Communications Center, which will be the center for coordinated multi-agency responses in the event of regional and national emergencies. The bill also continues to provide funds to reimburse the city for increased police, fire, and emergency personnel costs associated with events that occur in the District because of the presence of the Federal Government.

I take this opportunity to recognize the city's leadership in improving the financial condition of the District. Recently, the District received a vote of confidence from Wall Street when its bonds were upgraded two steps from "BBB+" to "A". Despite this good news about the city's short-term financial performance, I am well aware that the city faces a long-term economic structural imbalance. This imbalance represents a gap between the District's ability to raise revenue at reasonable tax rates and its ability to provide services of reasonable quality to its residents.

I recognize that the structural imbalance is driven by expenditure requirements and revenue restrictions which are mostly beyond the control of the District's leadership. Clearly, the city's revenue capacity would be larger without Federal constraints on its taxing authority, such as its inability to tax Federal property or the income of non-residents.

I agree that the city faces a troubling problem in the long-term. I want to help close the financial gap and help ensure the long-term economic health of our Nation's capital. This is a Federal enclave, established by the Constitution, and it must live by the constraints imposed on it by the Federal Government. I believe that the Federal Government must recognize the costs it places on the city and the burden it places on the city's infrastructure, all the while limiting the ability of the city to raise revenue. Indeed, many of the problems facing the District result from it being the seat of the Federal Government.

This bill takes two small steps to begin to address the structural imbalance. First, we are providing \$4 million to assist the city with its annual operating payment to the Washington Metropolitan Transit Authority, commonly referred to as the "Metro".

The District's share of the Metro operating subsidy is \$208 million. Whereas the State governments of Maryland and Virginia both help subsidize the Metro, the District does not have a State to help share the burden of this cost. In addition, many Federal workers use the Metro system to travel between Federal buildings throughout the workday.

Second, the bill provides \$10 million for a combined sewer overflow system. The current system was constructed in

1890 and overflows 60 to 70 times each year, dumping raw sewage into the Anacostia River. Clearly, the Federal Government places a heavy burden on this system and should help share the cost of upgrading it. I believe these small Federal contributions for infrastructure are important, but clearly the Federal Government must do more to help eliminate this structural imbalance that it has helped create.

I again thank Senator LANDRIEU. She and I share the same concerns for the children and residents who live in the District of Columbia, as well as the millions of visitors who come here every year to see America's seat of government. She and I have worked as close partners in writing this bill. Together, we have put together a bill that focuses on improving the well-being of the District's children and protecting the safety of all who live and work here. I thank the Senator from Louisiana, and I turn to her now for her remarks.

Ms. LANDRIEU. Mr. President, I am pleased to join Chairman DEWINE in presenting the bipartisan fiscal year 2005 District of Columbia appropriations bill to the Senate. The bill totals \$560 million, which is an increase of \$18.3 million from fiscal year 2004. The chairman and I moved this bill through the full Appropriations Committee on Tuesday, September 21 by a near-unanimous vote with no controversial amendments. During our 3-year chairman and ranking membership of the D.C. subcommittee, we have met many policy and partisan challenges and remained great friends. This year is truly an achievement of the chairman's bipartisan lead of this bill. We continue to marry our interests in strengthening education and child welfare in the District.

Great communities need great schools. This bill includes \$26 million for public education in support of the committee's goal to improve education in the District. Fifty years after the landmark *Brown v. the Board of Education* decision of the Supreme Court, 3 years after enactment of the significant No Child Left Behind Act, we are still working to shape the two-sided face of public education, excellence and failure, into a more equal experience for children. The District's schools have been mired in years of changing superintendents, management and oversight challenges. A new superintendent has been hired, Dr. Clifford Janey, we are excited about his energy to reform and improve and want to support his efforts as strongly as possible. This bill includes certain tools to, hopefully, contribute to Dr. Janey's work.

In our public schools we must recognize and reward excellence. We must acknowledge and eliminate failure. This bill directs a total of \$7 million for a new incentive grant program for public education improvement in both traditional public schools and public charter schools. These grants will be

awarded to the principal of high performing or significantly improved public schools to reward their good work. A reward is a powerful incentive to build on success and meet some of the areas which can make their school thrive. These grants could be for a specialized librarian, new books, and bonuses for excellent teachers, or even to support sports and recreation with a new basketball court. It is entirely up to the principal to decide. In addition, the bill includes \$5 million to support the very successful D.C. program to reconstitute the schools designated as in need of improvement by the standards of the No Child Left Behind Act. The Transformation School Initiative has successfully breathed new life into 15 of the lowest performing public schools in the District with innovative ways to reinvigorate teachers, reinvest parents, and get kids excited about going to school and excited about learning. We are very pleased to support these programs with \$13 million for public schools as part of the \$40 million School Improvement Fund created last year.

The second prong of the School Improvement Fund, \$13 million for public charter school, is supported by robust support to strengthen the chartering system. With 41 charters granted to date, the District has achieved the distinction of having the highest number of charter schools per capita. As such, the District is in a position to serve as leader in the effort to use charter schools to spur system-wide improvement from within our system of public education. Senator DEWINE and I maintain our commitment to serve as a full and equal partner in this endeavor.

It is important to note that while the primary reason for the rapid growth in the number of charter schools was the unmet desire of education reformers to find a way to "step out of the box" that had become our public school system, charter schools are by definition independent public schools. With their relative autonomy, charter schools are a way to provide greater educational choice and innovation while not abandoning the public school system. Recent studies show that the existence of a charter school in a district not only increases the quality of education available to the students served directly by the charter school but in all surrounding public schools. In addition, charter schools provide a healthy dose of competition into the public school system and have the effect of accelerating reforms and improvements in traditional public schools.

Despite the increased challenge of educating students with the greatest need, objective surveys and reports show that the academic progress among charter schools students outpacing that of their cohorts in traditional public schools. Those successes included gains in reading and math performances; test scores higher than district, state and neighborhood schools; increased parental involve-

ment; and higher attendance and fewer disciplinary problems.

Strengthening charter schools, which were created in the D.C. by Congress in the 1995 School Reform Act, is a primary tenant of our work to improve education. Pursuant to Section 120 of P.L. 106-522, the Fiscal Year 2001 DC Appropriations Act, the local government is prohibited from amending the School Reform Act. Therefore, Congress has continued our oversight responsibility of the charter school law this year. The bill fortifies the environment where strong, accountable, academically excellent charter schools flourish.

This bill includes language which will encourage public schools to convert to charter schools. The 1996 School Reform Act allows for traditional public schools to petition to convert to a public charter school, if the teachers and parents in the community want a more responsive and engaging school. However, to date, only one school, Paul Junior High, has exercised that option. We are not trying to say that every public school should be a charter school, but we support if the community of a particular school sees a benefit in becoming a charter school and can gain a majority consensus of that community, a conversion is possible.

In addition, we toughen oversight of chartering boards to better screen applications and strengthen oversight of existing schools. We think this will make a stronger public charter school community, and should not create any additional bureaucracy which would tamp down reform. Finally, we included language which will improve access to facilities for charter schools, which can be their greatest challenge. The buildings in which children learn are just as critical as the other tools available to make these kids a success.

Under the kind leadership of Chairman DEWINE, we have also invested in the welfare of the most vulnerable children in the District, those in the custody of the abuse and neglect welfare system. Just in the last week, the District has suffered the loss of another child, Angel Fleming, who was put in the custody of the Child and Family Services Agency.

The bill supports our priority of reforming child welfare by providing the tools necessary to the foster care system with \$5 million. We are funding for early intervention services to try to keep kids with relatives, rather than send them to temporary foster care homes. The bill also continues to ensure that all kids in foster care get mental health assessments and services. Finally, Senator DEWINE has ensured that an area often forgotten, foster parents, receive the respite services necessary and promote grassroots foster parent recruiting and training efforts.

This bill meets our Federal responsibility to the criminal justice system and infrastructure investments requested by the mayor and council. The

new family court, which embraces the ideal of one family-one judge, is fully funded and we continue to provide for their new building. In addition, the bill initiates a new investment in the administration of justice in the District by contributing \$8 million to the construction of a new forensics lab. This laboratory will alleviate contract pressure D.C. imposes on other Federal agencies, such as the FBI, to complete local forensic work. The bill also contributes to security and emergency preparedness in the Nation's capital with \$22 million to bolster the police and first responders. In addition to all of the important initiatives in the District this bill invests in, there is \$13 million for cleaning up the Anacostia River and providing recreation for the entire region and \$5 million for transportation improvements.

I want to thank the mayor of the District, Anthony Williams, the entire council, particularly the Chair Linda Cropp, and the D.C. Delegate to Congress ELEANOR HOLMES NORTON for their many contributions and advice in developing this bill. They are great partners for Chairman DEWINE and I to ensure the bill meet the needs of the District. I appreciate the chairman's consideration and our ability to work together on this bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 4850), as amended, was read the third time and passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

The Chair appointed Mr. DEWINE, Mrs. HUTCHISON, Mr. BROWNBAC, Mr. STEVENS, Ms. LANDRIEU, Mr. DURBIN, and Mr. INOUE conferees on the part of the Senate.

MEASURE READ THE FIRST TIME—S. 2830

Mr. MCCONNELL. Mr. President, I understand that S. 2830 is at the desk. I ask its first reading.

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

The legislative clerk read as follows:

A bill (S. 2830) to amend part A of title IV of the Social Security Act to promote healthy marriages and responsible fatherhood, and for other purposes.

Mr. MCCONNELL. I ask for its second reading, and in order to place the bill on the calendar in accordance with rule XIV, I object to my own request.

The PRESIDING OFFICER. The bill will be read the second time on the next legislative day.

RESPONDING TO CONDITIONS IN BURMA UNDER THE ILLEGITIMATE RULE OF THE STATE PEACE AND DEVELOPMENT COUNCIL

Mr. MCCONNELL. I ask unanimous consent the Foreign Relations Committee be discharged from further consideration of S. Res. 431 and the Senate