

local ownership rules still protect localism and diversity by requiring a minimum number of independent voices in each market. In this context, the drummed-up fear over the FCC's rule is almost as ludicrous as would be the fear over the national availability of Starbucks. Starbucks, it sometimes appears, can be found on every corner. But Starbucks' seemingly ubiquitous presence does not mean that consumers can't drink other brands of coffee, or forgo coffee altogether in favor of tea, juice, soda, or any other beverage.

The FCC granted broadcasters the added flexibility to help preserve free, over-the-air television, which is losing ground to cable and satellite service. Since 2002, cable programming has had more primetime viewers than broadcast programming, and its lead is increasing. This is particularly significant because broadcasters depend exclusively on advertising, while cable and satellite providers benefit not only from rapidly increasing advertising revenue, but subscription revenue, as well. By preventing broadcasters from making limited and reasonable acquisitions to improve their economies of scale and operating efficiencies, we jeopardize the continued viability of free television broadcasting.

Adding insult to injury, this bill will forbid the FCC from raising or lowering the 39 percent limit as market conditions continue to change. In fact, the bill eliminates the FCC's authority to periodically review even "rules relating to the 39 percent national audience reach limitation." Eliminating the FCC's discretion over the national audience-reach limit in this manner is unwise. Congress created the FCC to avoid having to pass legislation every time conditions change. By requiring Congress to act whenever fine-tuning becomes necessary is not only impractical, but it stifles the media marketplace. Moreover, the rush to judgment is not even necessary here, as the Third Circuit has prevented the FCC's rule from taking effect while the court considers it on appeal. Unfortunately Mr. Speaker, the provision contained in this bill may just be yet another nail in the coffin of free, over-the-air television, as broadcasters find it increasingly difficult to grow when faced with the tightened broadcast ownership cap, and as business models continue to turn toward cable and satellite service.

Mr. SKELTON. Mr. Speaker, the House is meeting today—69 days after the beginning of the fiscal year—to debate H.R. 2673, a colossal \$328 billion spending bill that includes 7 of the 13 annual appropriations measures for fiscal year 2004.

The gentleman from Florida, Mr. YOUNG, and the gentleman from Wisconsin, Mr. OBEY, have worked diligently this year to pass the annual spending bills one-by-one. However, as it became apparent that the Congress could not approve these measures individually, congressional leaders began working to fit them together into one catch-all bill, like the pieces of a \$328 billion puzzle. Unfortunately, the pieces of this puzzle are not fitting together in a way that benefits the American people.

I will oppose H.R. 2673 because it breaks promises Congress made regarding education, it cuts necessary Federal funds for State and local law enforcement, and fails to extend unemployment benefits for thousands of Missouri workers who are currently out of work this holiday season.

Education remains a top priority of the people of Missouri. When I am back home, I fre-

quently visit schools to meet with students and teachers. At nearly every location, teachers and administrators inform me of the difficulties they have when it comes to unfunded Federal mandates burdening their districts. School districts throughout the Show-Me State and the Nation are experiencing tough times as the poor economic conditions and the fiscal choices made by this Congress are leading to decreased revenue for schools. The professionals who teach our children and grandchildren deserve to have the resources they need to get the job done. When the Congress approves legislation authorizing specific legislative initiatives, we ought to fully fund them.

H.R. 2673 provides \$7.8 billion less than Congress promised in the No Child Left Behind Act and falls 45 percent short in special education funding promised under the Individuals With Disabilities Education Act (IDEA) reauthorization bill that passed earlier this year. It also freezes Pell Grant awards at a time when State universities are drastically increasing tuition costs and underfunds by 18 percent the funds necessary for Impact Aid. H.R. 2673 also establishes a private school voucher program for students who live in the District of Columbia, moving Congress a step closer to abandoning our historical commitment to public schools and establishing the first Federal subsidy for getting a private school education.

As a former prosecuting attorney and juvenile officer, I have worked closely with law enforcement officials. Law enforcement personnel play a critical role in protecting Missouri communities from the scourge of methamphetamine abuse and other crimes and from the threats posed by terrorism. Congress has a duty to provide adequate funding for those who protect us in our hometowns. Under H.R. 2673, State and local law enforcement is funded at \$500 million below last year's levels.

As the holidays approach, millions of Americans are still facing unemployment. While economic news has indicated that the numbers of jobless Americans decreasing, Congress must work to extend unemployment benefits to those who are not so fortunate. Time and again, we have worked in a bipartisan manner to assist unemployed Americans. I am disappointed that the House leadership has failed in this regard, especially at this time of year.

Mr. Speaker, H.R. 2673 shortchanges teachers and students, law enforcement personnel, and unemployed Missourians. Appropriations bills should speak to our priorities as a nation. I cannot support this measure that sets our country on a course of misplaced priorities.

Mr. SANDERS. Mr. Speaker, I would like to commend Subcommittee Chairman ISTOOK, Subcommittee Ranking Member OLVER, Chairman YOUNG and Ranking Member OBEY for including a provision I have been fighting for during the last several years to protect workers negatively impacted by illegal, age discriminatory cash balance pension plans.

Mr. Speaker, as you know, on September 9, 2003, this House overwhelmingly passed by a vote of 258 to 160 an amendment I offered to the Fiscal Year 2004 Transportation-Treasury Appropriations bill barring the Treasury Department from helping to overturn the court decision in the Southern District of Illinois brought by IBM employees against IBM's cash balance pension plan.

The Federal court in that case has determined that, as many of us in this House have argued, IBM's cash balance plan and indeed all cash balance plans inherently violate current Federal anti-age discrimination law. By its terms, my amendment barred Treasury from opposing the IBM employees in that case. One of the intended effects of my amendment was also to bar Treasury from finalizing the proposed regulations on cash balance plans—regulations that were improper because they are contrary to the requirements of Federal age discrimination statutes.

On October 23, 2003, the Senate passed a similar amendment by Senator HARKIN barring Treasury from finalizing these illegal regulations. These two amendments served as the foundation for the final legislative language which requires the Secretary to submit to the Congress proposed legislation to remedy the harm that these cash balance plans do to older workers. This legislative language also bars the Treasury Department from finalizing its illegal regulations on cash balance pension plans.

Now, I understand that report language has been added that attempts to rewrite the legislative history of this provision by stating that the intent of this legislative language is not to call into question the validity of cash balance plans.

Well, Mr. Speaker, that is exactly the intent of this provision. There is no doubt. This legislative provision is included in the final bill before the House because Members of this body and the other body have grave doubts about the legality of cash balance pension plans.

While this report language in no way dilutes the effect of the legislative ban on Treasury finalizing its cash balance regulations, it is a cynical attempt to hoodwink the courts considering the validity of these cash balance plans into believing that Congress has not spoken on this issue. It was no doubt carefully crafted by lobbyists with the express intent of using it in a legal brief.

Mr. Speaker, the debate on my amendment and Senator HARKIN's are clear. None of us in this Chamber are fooled by this non-binding report language and I trust that the esteemed courts of this country will not be either.

Mr. SERRANO. Mr. Speaker, we are nearing the finish of this session of the 108th Congress, and I am sure most Members will be heartily glad to see it end.

Today, we are considering an Omnibus bill making appropriations for departments and agencies that ought to be funded in seven separate appropriations bills, which have been held up by various obstacles, including insufficient allocations and controversial riders—or riders to stop controversial administration policies.

On the matter that should be in a separate bill for the Departments of Commerce, Justice, and State, the Federal Judiciary, and several important related agencies, we began with a bad budget allocation that has gotten worse and will be further reduced by across-the-board cuts, both within our division of the Omnibus and across the government.

I must say that our chairman, the gentleman from Virginia (Mr. WOLF) is not to blame for the deficiencies in our portion of this bill. Throughout the process, he has been very fair and has sought to produce the best possible bill, given the limited resources his leadership gave him to work with. For that, I thank him very much.

I also cannot thank the staff enough for all their hard work, long hours, and time away from their families. Mike Ringler, Leslie Albright, Christine Ryan Kojac, and John Martens for the majority, as well as Anne Marie Goldsmith and Alan Lang, this year's detailees, have worked closely with Rob Nabors and David Pomerantz of the Democratic staff and Lucy Hand, Nadine Berg, and Diaraf Thiouf of my staff and my Presidential Management Interns Pete Balfe and Erin McKeivitt.

However, the allocation is still too small, and I am seriously concerned about its impact on very important government functions in law enforcement, the judiciary, foreign affairs, and other areas. I am alarmed that the amounts we have worked out in conference with the Senate will be reduced by across-the-board cuts. We fought hard for adequate funding, for example, for the FBI and other law enforcement, but even those amounts face devastating cuts.

Among the most worrisome deficiencies are the State and local law enforcement programs. Most of them are at barely acceptable levels, before the across-the-board cuts, but the Local Law Enforcement Block Grant, funded at nearly \$400 million last year, falls to \$225 million this year, before the across-the-board cuts. Even relatively small programs had to be cut, such as the Police Integrity grants, which falls from nearly \$17 million in fiscal year 2003 to \$10 million. We are asking State and local governments to do more to protect our people, as the resources available to support this work decline.

Another alarming problem is the Manufacturing Extension Partnership (MEP) program, which this year falls from over \$106 million to just under \$40 million, before the across-the-board cuts. This is a severe blow to a very important program, at a time when manufacturers need help. I can only hope that in fiscal year 2005 we can get back to a more appropriate level.

One last agency I would like to mention is the Legal Services Corporation (LSC). We had tried to stabilize LSC's funding this year, but across-the-board cuts will undercut that goal. Beyond that, there is growing concern that limits on the uses of private money donated to independent LSC grantees are hurting America's low-income families and imposing unwarranted government restrictions on the private sector. The administration does not tolerate such interference with the privately funded religious activities of its faith-based grantees. It—and we—would not tolerate such interference with privately funded secular activities also dedicated to helping families in need. I am hopeful that next year we can address these restrictions on privately donated funds. At this point, Mr. Speaker, I ask unanimous consent to submit for the RECORD letters I have received on this issue.

I am also alarmed by the process that got us to this point. The Republican leadership has imposed policies that are not supported by the majority of the American people, the Congress, or the conferees—in our subcommittee's division, the dead-of-night "compromise" on media ownership. The gun provisions are also different from what was agreed to by the conferees.

Mr. Speaker, if we can find \$87 billion for a war we didn't have to fight, we ought to be able to find the resources to support our do-

mestic law enforcement agencies with the personnel and resources they need; the commercial, statistical, and environmental activities of our Commerce Department; our foreign policy establishment; and such crucial agencies as the Federal Communications Commission (FCC), the Federal Trade Commission (FTC), the Securities and Exchange Commission (SEC), and the Small Business Administration (SBA).

Mr. Speaker, in the end, however most Members vote on the Omnibus Appropriations bill—and I recognize that many crucial programs would suffer under a long-term continuing resolution—I must emphasize that the resource allocation that has yielded Division B of the Omnibus, which funds the agencies in the jurisdiction of the Commerce, Justice, State, Judiciary, and Related Agencies Subcommittee, is grossly inadequate and may prove damaging to the national interest.

NOVEMBER 20, 2003.

Hon. FRANK R. WOLF,  
*Chairman, Subcommittee on Commerce, Justice, State and Judiciary, Committee on Appropriations, Washington, DC.*

Hon. JOSÉ E. SERRANO,  
*Ranking Member, Subcommittee on Commerce, Justice, State, and Judiciary, Committee on Appropriations, Washington, DC.*

DEAR CHAIRMAN WOLF AND CONGRESSMAN SERRANO: We write to thank for your tremendous leadership on behalf of America's families by supporting increased funding for the Legal Services Corporation in the Fiscal Year 2004 Commerce, Justice, State, the Judiciary and Related Agencies Appropriations Bill introduced in your Subcommittee.

However, we also write to express our regret that for the past several years this bill has included a restriction that severely limits the manner in which independent civil legal aid programs funded by LSC can spend their own private, state and local funds.

This "private money" restriction annually encumbers more than \$300 million in non-federal money, and harms communities in two distinct ways. First, the restriction imposes costly government obstacles to private philanthropy. Second, the restriction closes the doors of justice to many low-income individuals and families unable to afford necessary legal representation in civil matters.

The undersigned groups write to express our support for amending the LSC appropriation in order to end this governmental interference with non-federal funding for legal aid nonprofits. We urge you to continue your tremendous leadership on behalf of America's families by guiding efforts to end this unfairness.

In particular, we hope you will support removal of the private money restriction because the restriction improperly interferes with the right of private philanthropies and other non-federal donors—including state and local governments—to determine the purposes for which their charitable donations will be used. In addition, the restriction interferes with the right of non-federal donors to select those local institutions best equipped to carry out the purposes of their charitable donations.

By removing the private money restriction, but keeping intact restrictions that control activities financed with federal LSC funds, Congress would properly place independent LSC recipients in the same position as nonprofit grantees of other federal entities which are permitted to use their non-federal funds free of unwarranted restrictions. This would bolster the mission of LSC as a model public-private partnership dedicated to supporting independent and accountable local programs that set their own priorities based on community need.

Furthermore, Congress's removal of the LSC private money restriction will well encourage increased charitable donations to the more than 150 independent LSC recipients that serve the working poor, veterans, the elderly, victims of domestic violence, family farmers and people with disabilities in every county and Congressional District in the Nation.

Thank you very much for your support and continued leadership on behalf of America's families.

Sincerely,

Brennen Center for Justice at NYU School of Law; International Union, UAW; National Legal Aid and Defender Association; Center for Law and Social Policy; National Organization of Legal Services Workers, UAW Local 2320; National Immigration Law Center; Open Society Policy Center; Association of the Bar of the City of New York; Community Service Society of New York; National Council of La Raza; Council on Foundations Independent Sector; National Council of Nonprofit Associations; National Committee for Responsive Philanthropy; OMB Watch; Charity Lobbying in the Public Interest; Alliance for Justice; Nonprofit Coordinating Committee of New York.

COMMITTEE ON THE JUDICIARY,  
*Washington, DC, September 23, 2003.*

Hon. JOSÉ SERRANO,  
*Ranking Member, Subcommittee on Commerce, Justice, State, Judiciary and Related Agencies, Committee on Appropriations, House of Representatives, Washington, DC.*

DEAR CONGRESSMAN SERRANO. We greatly appreciate your efforts to secure additional funding for the Legal Services Corporation in the 2004 Commerce, Justice, State, the Judiciary and Related Agencies Appropriations bill (CJS). You know as well as any of us the importance of providing affordable legal services to our country's most needy.

We write today because, like you, we are increasingly concerned about an unfair and unnecessary provision in the CJS Appropriations bill that restricts the use of private and other non-federal funds by independent legal service providers funds in part by LSC. The "private money restriction" encumbers more than \$300 million annually in non-federal funds—money that could be used to provide critical legal assistance to our society's most vulnerable individuals and families. The private money restriction burdens independent legal service providers with unwarranted costs; it impedes private charitable initiatives, and it undermines our Nation's promise of equal justice for all.

It is our hope that the Committee on Appropriations will revisit the private money restriction when it considers the 2005 CJS Appropriations bill. We urge you to continue your leadership on behalf of America's families by guiding efforts in your Subcommittee to end this unfairness.

Sincerely,

John Conyers Jr., Howard L. Berman, Rick Boucher, Robert C. Scott, Zoe Lofgren, Maxine Waters, William D. Delahunt, Tammy Baldwin.

Adam B. Schiff, Jerrold Nadler, Melvin L. Watt, Sheila Jackson-Lee, Martin T. Meehan, Robert Waxler, Anthony D. Weiner, Linda T. Sanchez.

Mr. DUNCAN. Mr. Speaker, the conference report (108-401) for H.R. 2673, the Consolidated Appropriations Act of 2004, contains very important language within the FAA, operations section regarding improving our existing commercial air fleet's flight data and cockpit voice recorder standards.