SUPPLEMENTAL APPROPRIATIONS ACT TO SUPPORT DEPARTMENT OF DEFENSE OPERATIONS IN IRAQ FOR FISCAL YEAR 2003—Continued

Mr. SPECTER. Mr. President, there is no doubt that major cities, such as Philadelphia, with airports and seaports and Independence Hall and the Liberty Bell, have much higher costs than cities which do not have these facilities.

I have discussed the issue with Mayor Street. The letter which I have had printed in the RECORD is a succinct summary, so we can observe this very short time limit which has been agreed to.

Similarly, I have conferred with Mayor Tom Murphy of Pittsburgh, who, again, makes the comment about the additional costs.

I have had an opportunity—actually, I was called by Mayor Bloomberg of New York City about the very substantial increases in costs there, and during the markup in the Appropriations Committee earlier this week commented about these factors and have sought to increase the funding from the $100 million for high-risk urban areas to a total of some $600 million.

Again, it would be highly desirable if we had more money, as suggested by Senator SCHUMER, but that simply cannot be accommodated within the current budget constraints.

In the conversations with Mayor Bloomberg, he pointed out about the fact that police cost some $5 million a month, and there are other costs in the range of $8 million a month for the United Nations, with a very heavy imposition of costs on New York City, commenting in a way very similar to the mayors of Philadelphia and Pittsburgh.

There is no doubt these costs really ought to be borne principally by the Federal Government. In the bill, language was inserted by Senator GREGG and language by myself which would require the Secretary of Homeland Defense to make a report to the Congress within 60 days to identify what are the costs of safeguarding airports, seaports, landmarks such as Independence Hall, such as the Liberty Bell, and to make a recommendation as to an allocation by the Federal Government, and whether such costs, in part, should be borne by other entities. That will enable us to make a determination as to how this $600 million will be spent, and to have a rationale for what the expenses will be with the specification of the costs involved and an allocation between the Federal Government and other governmental agencies if it is determined that would be appropriate.

EXHIBIT 1

CITY OF PHILADELPHIA,
OFFICE OF THE MAYOR,
Hon. ARLEN SPECTER,
9400 Federal Building,
Philadelphia, PA.

DEAR SENATOR SPECTER: In Fiscal Year 2002, the City of Philadelphia spent $21.2 million in increased domestic security costs. These costs include overtime incurred by the Police, Fire and Public Health employees associated with the formation of Rapid Assessment Teams. These teams, consisting of employees from each department responded to all critical incidents citywide. Additionally, $8 million was allocated for security improvements to city facilities. These improvements include installations of bollards around the perimeter of City Hall, installation of security access and surveillance systems in the One Parkway Building and installation of security cameras and metal detectors at other facilities. The Police Department enhanced coverage in Center City and provided enhanced security staffing at the Philadelphia Stock Exchange, Red Cross Headquarters and the City’s Emergency Operations Center. An intensive training was given to a team of police officers and supervisors that may be called upon to respond to a hazardous materials incident.

Going forward, the Police Commissioner formed the Bureau of Counter-Terrorism absorbing the Detective Bureau’s Organized Crime Unit as its foundation. The 76 member Bureau is developing new methods and initiatives to pursue counter-terrorism preparedness. These initiatives include strategic and tactical training, equipment purchase, inter-agency and regional cooperation and coordination, and community outreach. The Bureau meets regularly with task forces such as the FBI’s Joint Terrorism Task Force, the US Attorney’s Anti-Terror Task Force and the US Coast Guard Task Force to keep current with the latest counter-terrorism strategies. These initiatives are likely to cost about $10 million annually.

Sincerely,

JOHN F. STREET,
Mayor.
Mr. SPECTER. Mr. President, how much of my 15 minutes remains?

The PRESIDING OFFICER. The Senator from Pennsylvania has 9 minutes remaining.

Mr. SPECTER. Mr. President, I yield 5 minutes to the distinguished chairman of the Appropriations Committee. The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I have asked for a portion of the time of the Senator from Pennsylvania because we had worked to try to reach an agreement between the two amendments so that they would be put together and have an amendment we could adopt. We are unable to do that.

I am compelled to state I will oppose the first-degree amendment of Senator Schumer. It is a situation where, as far as I am concerned, there is ample money in the House bill, if we are compelled to raise the amount that is in our bill. But it is the kind of situation where we prefer to have this amendment not be adopted now, so we can find a way to work the matter out with the House.

We have $100 million in the bill. The Schumer amendment, as I understand it, as drafted, now adds $600 million. I oppose going to that height. That would, in effect, take it to the level of the House. And the administration opposes the level in the House bill.

Mr. SCHUMER addressed the Chair. The PRESIDING OFFICER. Who yields time?

Mr. SCHUMER. Mr. President, I believe I have time. I will yield 3 minutes to myself.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I hear my friend from Pennsylvania speak.

Mr. STEVENS. Mr. President, will the Senator allow me to interrupt for a problem that has come up.

Mr. SCHUMER. Please.

Mr. STEVENS. The problem has come up in connection with the unanimous consent request. There was no time allocated to those who might want to oppose the Specter amendment. And, as I understand it, a Senator on the Democratic side wishes to oppose the Specter amendment. In fairness, I ask unanimous consent she be given 5 minutes to speak; and if it raises additional items the Senator has not spoken to that he wishes to speak to, I would allocate an additional 5 minutes to Senator Specter, so there would be a comment back and forth. All right. I make that request.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.
and the towns in the States we represent our first responders are losing their jobs.

States and cities are trying to deal with budget deficits—some the worst in a generation, and they simply do not have enough money to keep paying for additional homeland security costs.

We need to work together—Republicans and Democrats—to provide them with the resources they need to strengthen our domestic defense. We need to start providing since September 11, but we have not done enough. That same message echoes from report after report, from our experts, from independent commissions, from our police commissioners, fire chiefs, mayors, doctors and nurses—we have not done enough to prevent and respond to another terrorist attack.

I cannot find a single credible security expert who has said, "We're fine. We've done enough." There's no need to guard our chemical plants and nuclear facilities. If we only check 2 percent of the containers that come through our ports. Don't worry about hiring border guards they don't need the extra support. We don't need to give our police officers, firefighters, and emergency personnel the equipment they need. We're fine, and "All's Quiet on the Homefront."

You know last week, the President was asked about how long the war in Iraq would take and he responded correctly. "How long it takes" is the same attitude we need to use for homeland security—"whatever it takes" to protect the American people. This isn't a new public work project or an example of frivolous spending; this is about securing our country on the frontlines here at home. And for 18 months our cities and States and counties have been shouldering this burden alone. Homeland security is a national priority and these responsibilities should be shared by the Nation.

So what are we doing?

What we are doing 18 months after that tragic day in September when nearly 3,000 Americans lost their lives still debating homeland security?

Still debating whether or not we should not take the steps we need to take in order to prevent another day like that from ever happening again. Still talking about whether or not we should provide our first responders with the support they need.

Homeland security is a concern we all share. We should not allow politics to prevail over our Nation's protection. We should not let it get in the way of strengthening our border and port security. Improving security at our chemical and nuclear plants, and providing critical support for our police officers, firefighters, emergency personnel, and public health officials.

Why would someone in this Chamber willingly say "no" to critical steps that would improve our domestic defense? Why would our colleagues who care just as much about their constitu-
have been a small town in Missouri, Texas, or Pennsylvania. I know that some of my colleagues believe that their State isn’t a target—they may think that because their State is small, it’s safe. I bet the chief of police in a town in New York is just as concerned about the likelihood of terrorists turning up in small towns. He would say we cannot forget that the terrorists continue to plot and plan against us, and we can’t predict exactly when and where it will turn up.

Yesterday, the FBI issued a new warning to their field agents to look out for people making chemicals like Ricin. Yesterday, the Wall Street Journal reported that the Bush administration was getting ready to launch a plan to increase chemical plant security. The Department of Homeland Security’s spokesman said, “We realize that voluntary efforts alone will not be sufficient to assure the appropriate level of security across the chemical sector.”

And in the last few weeks, we heard Secretary of State Powell, FBI Director Mueller, Secretary Ridge and CIA Director Tenet say that another attack by al-Qaeda is not a matter of “if” but “when.”

We can all hope for the best, but I think it’s best to plan and prepare for the worst. Why would any of us want to take a risk that “when” that day comes, it would be in someone else’s backyard—a tragedy in another state across the Continental Divide and not my problem. Or State of America interest abroad has been attacked like we were, America was attacked and Washington and the country united to deal with that aftermath.

Again, we have to do that today to pass this amendment and improve our domestic defense.

I believe that Retired Colonel Randy Larsen, from the ANSER Institute said it best when he testified about the Hartford, CT fire on November 14, 2002. He said, “All of us want what is best for America. But we do not have much time. We must get it right—or close to right—very soon. I cannot repeat often enough: America is at war. We need to act like it while there is still time to prepare.”

But they way to prepare, the way to fund homeland security isn’t by taking money from existing traditional first responder programs. That’s why this amendment also includes $150 million for the FIRE Act, and $130 million for the COPS Program. We need to fully fund every traditional first responder program. Since 1994, COPS has helped nearly 12,950 jurisdictions through 27 different grant programs. As of September 2002, COPS had provided funding for 116,573 community policing professionals across the country.

It has played a critical role in reducing crime. It has worked well in the past, and it will continue to work well in the future to help our communities fight crime. And it should not be used to fund homeland security.

The same applies to the FIRE Act. The $155 million here ensures full funding—$900 million—for the FIRE Act for FY 2003. This program assists fire departments in protecting communities and fire fighters’ health and safety. Local communities may use the funding for training, equipment and additional staffing.

Currently, 2/3 of this Nation’s fire departments do not meet the standards for adequate staffing. Congress would never allow our Army to engage in a war with 2/3 of its divisions understaffed.

But this is exactly what we are asking our fire fighters to do. To date this grant program has received requests totaling more than $2 billion. The program’s funding levels only allow it to award grants that a small percentage of that need. In the event of a terrorist act, fire fighters are the troops on the front lines. And they deserve our full support.

So when we think about all of the good that comes out of this amendment and the others that strengthen our domestic defense, why wouldn’t every leader support these steps? There are many who may try to defeat domestic defense funding by saying that the only dollars that should be included in the emergency supplemental are those that go toward winning this war. I agree, we should only be talking about funding to fight the war, but I believe we need to fight the war on all fronts that it is being waged.

Every support that our troops in Iraq need to win will have the full support of Congress. We cannot forget about our men and women who continue to fight al-Qaeda in Afghanistan—they too deserve every resource they need. And so do our domestic troops, our police, firefighters, and EMT’s, on the frontlines here at home. The President’s proposal last week was a good start, but he didn’t go far enough. The new Congress and the administration have the opportunity to do so much good for our first responders and strengthen the domestic defense of our Nation. It would be a shame if we did not take advantage of this moment, use this as the moment Washington turned the page and falls in our ability to confront the new demands against the war on terrorism at home, and falls in our ability to confront the new demands against the war on terrorism at home, and finally give it our all to protect this country, and to carry on this tradition of never giving up and doing what it takes to do what is right.

I urge my colleagues to make the right choice and support this amendment. I urge my colleagues to make the right choice and support this amendment.
am disappointed that since 9/11, the administration has failed to provide adequate funding for local governments to prepare for the possibility of new terrorist attacks.

This funding is critically important to Hawaii. The Hawaii State Civil Defense estimates that a response to a weapons of mass destruction attack would challenge the State's emergency response system. As with all States, in the event of a terrorist attack, Hawaii would rely on Federal, State, and local officials. Unlike any other State but Alaska, external assistance from the U.S. mainland is not immediately available. Hawaii’s geographic location makes mutual aid from mainland States or from other Pacific jurisdictions impossible.

As a result, Hawaii’s State Civil Defense estimates that each of the State’s four counties need the capability to sustain an effective response to any weapons of mass destruction attack for up to 72 hours.

Independent experts and government officials have repeatedly warned that first responders do not have sufficient resources. A Council on Foreign Relations Task Force Report entitled “America—Still Unprepared, Still in Danger” concluded that first responders are not prepared for a weapons of mass destruction attack. According to the same report, first responders lack the training and equipment to protect themselves and the public in an emergency and do not have radios that can communicate with one another. In fact, the National Fire Protection Association estimates that only one-quarter of the Nation’s fire departments have equipment to communicate with State and Federal emergency officials.

Our amendment takes important steps to respond to funding shortfalls by providing $4.3 billion for first responders, including $3 billion for State and local first responders.

Mr. LIEBERMAN. Mr. President, I rise in strong support of Senator SCHUMER’s amendment, which I am proud to cosponsor. We spent much of last year on the Senate floor talking about how to reorganize our Federal Government to meet and beat the challenge of terrorism. In the end, we passed a bill creating a Department of Homeland Security that for the first time in history is focusing and reorganizing the Federal Government to make America safer. But we have said all along that while better organization is a necessary prerequisite to making us safer, it isn’t enough. We need to put dollars where the danger is. You don’t protect your house in a dangerous neighborhood with a jerry-rigged lock or no lock at all. A “Beware of Dog” sign isn’t good enough. You need to spend some money. You need to buy a real lock. You need to get a decent dog.

The reason I say that America has the resolve it needs to win this war against terrorism. And that is true. Americans are resolute. They are courageous. They are prepared to face down danger and do what it takes to overcome it. That is especially true of the men and women in our fire departments, police departments, emergency medical offices, and hospitals the men and women in our fire departments, police departments, emergency medical offices, and hospitals the men and women in our fire departments, police departments, emergency medical offices, and hospitals. The men and women in our fire departments, police departments, emergency medical offices, and hospitals. The men and women in our fire departments, police departments, emergency medical offices, and hospitals.

Resolve, however, will only go so far if it isn’t matched by real resources. Can resolve buy interoperable communications equipment? Pay for firefighters’ overtime? Install a security system at a port? Upgrade the information sharing databases in local communities? Dramatically improve public health systems to deal with biological or chemical attacks? No all those urgent improvements and others demand more than resolve. They demand resources.

Right now the resources are nowhere to be found. This administration seems determined to do homeland security on the cheap adding just $300 million to the budget for next fiscal year for homeland security. The reason boils down to one reason and one reason only. The administration is committed to protecting $2 trillion in unfair, unfocused, and ineffective tax cuts, at all costs. On this, it will not budge. It will not yield. It will not consider a single digit or a single dollar.

That irrational and ideological commitment to those unaffordable tax cuts has squeezed out every other priority. It has raided the national cupboard at a time when we desperately need new resources to tackle new threats. America has the greatest military in the world, and that is because we have paid for it. Generation after generation has bought 1,000 chemical protection suits for firefighters and has also reduced staffing at its 24-hour emergency operation center in part to save money on security costs.

According to The Washington Sun, the mayor’s office in Baltimore estimates that the city needs to spend another $8.4 million on new communications and hazmat equipment, protective gear, and training, not to mention another $122 million to upgrade water treatment plants, build a new emergency operations center, and more.

The list goes on. My own home community of New Haven, CT, has been able to outfit about 10 percent—just 10 percent—of its 300 firefighters with protective equipment that will be needed to respond in the event of a chemical or biological attack.

Let’s face it. Meeting those needs and others will take more money from Washington, plain and simple. But, surprisingly, it hasn’t been that hard. The majority leader, Senator FRIST, was quoted in CongressDaily as saying that, “It is unnecessary and wasteful to spend more money at the federal level. The problem is not the federal availability of money. It’s getting it down to the local level.”

With all respect, that is just not the case. In fact, according to the National Governors Association, States have already indicated they have spent more than 90 percent of their Federal funds. And to complicate things, many States have been spending their own money for 15 months but have yet to be reimbursed by the slow and cumbersome process by which money flows from the Federal Government to States and localities. This is only exacerbating budget crises at the State and local level, where many communities are actually laying off and reducing the number of first responders. First responders are going backwards. The reality is that we need to get more funding to first responders, and we need to get it to them as quickly as possible.
The bottom line is this: We must get our first responders more resources and we need to do it without further delay. Enough posturing, enough politics. Let's rise above partisanship and put the national interest first.

The federal first responders have put them in a fiscal strait-jacket of historic proportions—one we must relieve now if we are to protect Americans from terrorism.

Nevertheless, let's be fair. Let's realize that we've made some progress in the 18 months since September 11. Today we are better equipped to handle a second September 11. Our skies are safer. The FBI has announced major reforms, which are in progress. I hope we are beginning to tackle the problem of intelligence coordination that plagued us in the weeks and months leading up to that dark day.

But the terrorists constantly change their methods. Next time, the threat isn't likely to arrive in the form of airplanes crashing into buildings. The weapon might only be visible under the microscope. Instead of arriving with a loud crash and flames, it might come quietly, secretly, surreptitiously. Just as September 11 challenged our police officers and firefighters as never before, a biological or chemical attack would challenge our public health first responders as never before.

The reality is that, if it happens, we are nowhere near ready. As resolute and resourceful as our public health professionals are, they lack the support, the capabilities, and the funding they need to detect these deadly diseases swiftly and protect us effectively. We need significant new investment today to improve our readiness tomorrow.

Look at the reaction to the recent outbreak of SARS. The public health officials in our local communities are well informed and well trained. But working together with the CDC, they just don't have the tools to determine what is causing SARS. They don't have the tools to treat the victims. They don't have the tools to try to stop the spread of the disease in its tracks.

If SARS is 4 percent lethal, what will we do with a disease that is 80 percent lethal? What will we do with a disease that spreads faster and is harder to diagnose? Let's not cross our fingers and hope. Unfortunately, that is exactly what we are forced to do under the administration's budget, which shortchanges investment in our local public health systems and hospitals.

As a result, our hospitals—already constrained by drastic budget cuts, are now rubbing quarters together when they seek new tools or capabilities to defend themselves against the new threats. Time magazine put it this way: "Speed and calm, both critical in a state of emergency, can be taught without special gear, but training in emergency techniques and life-saving equipment, like $25,000 protective suits, don't come cheap. That means most of America's hospitals are ill-prepared to face a major disaster."

According to the Greater New York Hospital Association, hospitals throughout the State have spent more than $200 million on security and emergency response improvements that they never imagined would be necessary before September 11—with plans to spend more than that in the coming year to bring their contributions up to date. About $8 million in new funding—less than the hospitals will spend on the new smallpox vaccination program alone.

These new demands are only further straining our emergency rooms that are already stretched to the limit. Dr. Cai Glushak, director of emergency medicine at the University of Chicago, described the state of Chicago's hospitals this way: "The hospitals are vastly lacking in resources and have yet to address major things with brick and mortar to create truly adequate facilities to deal with a major contamination issue." He went on to say of his hospital, "If we had an onslaught of 20 people in this emergency room, it would be a catastrophe. It would be sending an external disaster on top of an internal overload."

How can we expect our hospitals, clinics, labs, and public health departments to defend the threats when they themselves are on the verge of being fiscally bedridden?

Now, of course money isn't all that matters. They also need information, expertise, and guidance. They are getting some of that from the CDC. But a sustained improvement in our bioterror defense demands more than that. It demands a real investment. It demands Federal leadership. Those are sorely lacking in the budget that we have seen from this administration.

For the next fiscal year, I have called for $3 billion in new homeland security funding over and above the president's proposal to shore up bioterror preparedness. Mr. President, $1 billion of that increase would create CDC grants to help State public health departments care for and track infectious disease outbreaks, $500 million would help local hospitals increase capacity, $250 million would help protect health care workers, and $1.5 billion would help provide new research as quickly as possible from "bench to bedside"—meaning, from the discovery phase into actual use.

Hand in hand with these efforts, we simply must jumpstart efforts to spark private sector production of the drugs, antidotes, and countermeasures we need to fight unknown chemical and biological agents. Again, the SARS example is instructive here as well. We have no antitodes for this disease. No vaccine. No countermeasure. No diagnostic. It is possible that the only effective medical response will turn out to be quarantine.

Imagine a biological weapon that is 80 percent lethal. Do we really want quarantine to be our only answer? No—we need real medical shields to fight back against the biological and chemical weapons our enemies might use.

And we can't simply hope and pray for these to appear. Stocking our medicine cabinet with the right drugs to protect people from SARS will take months or years of research, months or years of work by the private and government professionals.

That is why we need to begin today—not in 6 months, not in a year—engaging every national resource we have to develop the drugs, vaccines, and antidotes we may need in the event of a biological attack. We know of dozens upon dozens of agents for which we currently have no defense, and this does not even count the hybrid or genetically modified organisms we may see in the future.

America is blessed with thousands and thousands of brilliant researchers in universities and companies across the country. Why not harness their ingenuity to develop those antidotes, those vaccines, those medicines? Senator HATCH and I have proposed legislation that would do exactly that.

I do not believe that Project BioShield, the limited incentive program President Bush has proposed, is remotely enough. Congress must act on short-term procurement of existing countermeasures, not on long-term research to deal with the threats for which we have no countermeasure. It will not lead to development of a broad-spectrum antibiotic, or to the development of powerful new research tools that will enable us to quickly develop an antiviral to deal with a new threat like SARS. It is a start, but it is late and it does not reflect the urgency that is warranted by the threat.

The bill Senator HATCH and I have introduced will put in place a broad range of incentives our private sector needs to start filling our medicine cabinet today so our public health first responders are not caught empty-handed tomorrow, as they have been caught with SARS.

We are at war against terrorism. Our first responders—whether they go to work in firehouses, police precincts, or laboratories, or in the White House as part of the first line of defense. Let's not frustrate and condemn to failure those whose job it is to protect us—many of whom risk their lives—by failing to provide them...
the resources they need to meet and beat the new and unfamiliar threats to our homeland.

The war against terrorism cannot be won with a magic wand, tough talk, or wishful thinking. It will take talent, training, teamwork. It will take real, not rhetorical, partnership among every layer and level of government. It will take money. To begin providing our Government the resources it needs to protect us from terrorism, I urge my colleagues to support this amendment.

Mr. LEAHY. Mr. President, I rise today in support of the amendment offered by Senators SCHUMER, CLINTON, MIKULSKI, and others. I am proud to join them as a cosponsor of this amendment that will provide desperately needed funds directly to State and local governments to boost the emergency preparedness capabilities of our Nation's first responders. The amendment also provides much-needed funding for local governments to get first responders the tools they need. Our amendment includes $1 billion for local governments to enhance their emergency preparedness and prevention. Police officers, firefighters, and emergency medical response providers are being pushed to the limit with added duties, longer shifts, and cancelled time off. The new responsibilities they are shouldering in guarding against and preparing for terrorism have become increasingly time-consuming and physically demanding. The amendment we propose will help them meet the challenge of homefront security.

Here in Congress, we are each committed to do all we can to see that 9/11 never happens again. We need to work together to provide the resources to prevent terrorists from attacking the cities, the towns, the villages, and the communities we all care so much about in our States and across this country.

Yet we failed to live up to our responsibility yesterday during the debate on Senator HOLLINGS' needed proposal to strengthen the protection of our seaports. It would have provided $1 billion to begin to protect our Nation's ports and the important cargo and passengers that travel through our seaports. Yet during the debate on the amendment, opponents questioned "where will it end?" as if this was such an extravagant investment. It was defeated, and I cannot understand why.

One billion dollars was proposed to secure our seaports. It is a reasonable price to pay. But can we really say that we are doing all we can when the overall bill before us provides only $2 billion to protect our seaports? Yet during the debate on the amendment, opponents questioned "where will it end?" as if this was such an extravagant investment.
where the mayor is spending $5 million a week.

It won’t go very far in Boston, which is struggling to meet its security obligations while confronting a potential 2-year State aid cut of $153 million. As a result of these cuts, and declining tax revenues brought about by the recession, there will be no incoming class of police officers for Boston this year. No incoming class, when the threats to the city are unprecedented and when 18 of Boston’s officers are serving their country in Iraq.

Is Boston supposed to take on these new challenges, with only token financial support from Washington? Apparently, Boston is going it alone in its efforts to prevent a terrorist attack on any of the 61 hazardous material storage facilities that dot its waterfront. Boston alone is supposed to protect the home heating oil depots and other critical facilities that are supposed to prevent terrorists from commandeering any one of the hundreds of cruise vessels that stop in our port every year.

I wonder where it will end, a better question for us to be asking ourselves today is: How can we go back to our States without doing all we can to protect our communities?

Last week, half of the Senate had no problem voting for a massive excessive tax cut for the wealthiest Americans on the flimsiest of economic justifications. Yet now we have voted down $1 billion to protect our seaports—even though their vulnerability could result in significant and devastating effects on our economy—and we are reluctant to add another $2 billion to secure our communities.

The amendment before us is modest. It does not try to change the fundamental fiscal relationships between the Federal, State, and local governments. It simply says that we can do more. We can do more than the bare minimum that the President’s Budget Director says is absolutely necessary. We can do more than inviting the well-to-do to bail out the rest of us. This amendment will assist cities.

Mayor Lambert has done a good job of balancing a very difficult situation. With a reservoir that serves 200,000 people and the State’s largest bridge within city limits, Mayor Lambert had to dramatically increase personnel costs responding to over 300 hazardous material storage facilities that dot its coastline, and begin providing 24-hour police protection for a Muslim place of worship. And he is staring at $4.3 million of State local aid cuts in the face.

In Everett, a city of 92,000 people, Mayor Jack Ragucci has been hit with over $300,000 in overtime and other personnel costs responding to over 300 anthrax and hazardous materials calls since 9/11. He also has had to begin paying for a city’s 27 miles of open coastline, and to provide more resources to our local first responders. I am pleased to be a co-sponsor of this amendment.

This amendment is vital to our first responders at the State and local levels of government. We must increase the resources available so that our police, firefighters, and other emergency personnel can help prevent and respond to terrorist acts.

This amendment makes $2.2 billion available to the Office for Domestic Preparedness in the Department of Homeland Security.

My State of California is facing a budget shortfall of between $26 and $35 billion. In California, revenue from vehicle license fees helps communities pay for the equivalent of 12,000 police officers or 15,000 firefighters for one year. But, because of the State shortfall, this funding may not be passed on to local communities.

Already, the financial crunch is taking its toll. For example, the city of Marysville faces a $700,000 budget shortfall. This shortfall will affect the police payroll, which accounts for 60 percent of the city’s budget. The city of Fushing, in Napa, has also made cuts in police and fire departments. This amendment will assist cities like Marysville, Santa Cruz and
Napa to have full teams of first responders.

On top of this budget crunch, the Federal Government has handed additional responsibilities and a heightened terror alert to already troubled State and local budgets. The state and local governments are paying for security costs that the Federal Government has asked them to cover. In California, the Governor estimates $500 million in statewide homeland defense costs for the State and local governments. These estimates are probably low especially if the war in Iraq goes on for several months.

The city of Los Angeles spent an additional $4.2 million just during the 20 days of code orange to meet the demands of heightened security. The city of San Francisco is spending $2.3 million per week, second only to New York City. In fact, of the five cities nationwide that are spending the most money on protecting the homeland, two of them—San Francisco and Los Angeles—are in my State.

This amendment is vital for our communities, vital for our local police, vital for our firefighters, vital for the protection of the American people. I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I yield 3 minutes to another sponsor of the amendment, somebody who has fought long and hard for first responders and localities, the people of Maryland, the Senator from Maryland, Ms. MIKULSKI.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 3 minutes.

Ms. MIKULSKI. Mr. President, I am pleased to join with my colleagues, Senators SCHUMER and CLINTON, who have been working steadfastly to protect the homeland. They have stood up not only for New York but for all of America because we know that homeland security cannot be done on the cheap. We are at war. We are at war in Iraq, and we need to support our troops. But we are at war here. The President of the United States, George Bush, said we are at war here in the war against terrorism and we need to support the hometown, homeland troops. They are our first responders.

Where are they? They are in local governments. They are in fire stations. They are in police stations. They are standing sentry behind the ambulances ready to respond to any emergency need. When a citizen calls 911 because of an event that has happened in their community, it happens locally.

The Schumer-Clinton-Mikulski amendment not only gives more money, which is desperately needed, but it brings money to the local communities where it is needed.

We live in the capital region, we in Maryland, whether it is Montgomery County or Prince George’s or Baltimore City. Our overtime is skyrocketing. We are spending loads of money in the protection for infrastructure. In Baltimore, every time we go to code orange we are spending $50,000 a week. A portion of that money, Prince George’s County needs $50 million just to be able to talk to the rest of the State in interoperable radio equipment. Anne Arundel County is responsible for the protection of the National Security Agency, the Naval Academy, where the White House and the Capitol are located, and BWI Airport. We say: Oh, wow, we can’t afford to do it.

Let me say this: When the country goes to code orange, our local communities go to red ink. Local governments have no place to turn except higher property taxes. We say no to higher property taxes. We say yes to more funds for homeland security. If we want to wear the flag, let’s stand up for the flag by standing up for our first responders in the local community by putting the money where our patriotism is, right in the Federal checkbook. I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I rise in support of the Schumer amendment, but also wanted to make a comment about the Specter amendment. I support this amendment because the Senators from New York and Maryland who are lead sponsors on this particular amendment. They are absolutely correct. We are not giving the resources that are necessary to first responders.

While the bill before us attempts in good measure to support the war underway, we always need to be prepared each and every day to fight the war on terrorism—which is broader than the battlefield in Iraq. The battlefield has now become in some sense the U.S. territory. We need to respond more faster. I realize we can’t pay for every bill that is submitted, but we most certainly can do more than what we are doing. I intend to vote for the Schumer amendment.

I am not sure what I will do on the Specter amendment. I will say why. I think the offset is inappropriate. I understand there might be some consensus about the amendment of the Specter from Pennsylvania, but let me say what I object to strenuously in the amendment. To fund the high threat urban areas, a portion of the money, $150 million, is taken from State and local governments, and a portion is taken from critical infrastructure protection. So here, as a Senator from Louisiana, I have to now be forced to choose—these are tough votes and this is a job we asked for—because on one hand, I do want to add money to the overall pot, which the amendment does but I want to call to the attention of my colleagues that part of the offset is taking it away from protection for pipelines, chemical plants, ports, and other critical infrastructure that could be described as highways, rail, etcetera, to support high urban threat areas.

It is a dilemma. I hope, however, it is resolved. Perhaps a better offset could be found in the conference report because I agree with Senator SCHUMER that we have to do more. I don’t agree with the proposal put down by the Senator from Pennsylvania that to solve that problem, it needs to be taken from States such as Louisiana—perhaps Texas and others in the Gulf region. The reality is having a tremendous amount of critical infrastructure to protect, which I might say to my colleagues in the Senate, supplies a tremendous amount of energy for the Nation. Those critical infrastructures are all over urban as well as rural parts of Louisiana. So I rise in support of the Schumer amendment, and with great reservations about the amendment offered by the Senator from Pennsylvania.

The PRESIDING OFFICER. Who yields time?

The Senator from New York.

Mr. SCHUMER. Mr. President, I yield 2 minutes to the Senator from Michigan, who has been a great supporter of first responders.

Ms. STABENOW. I thank my colleague. I rise as a cosponsor of this amendment. I commend my colleagues for bringing it forward.

As has been said so many times, we have two front lines in the battle on terrorism. We have come together virtually unanimously in support of our troops in Iraq and for the efforts on other soils away from our country. But here at home we have not done the same. Back in Michigan, I held nine different community meetings around the State, and I heard the same thing from our urban to rural areas. They are working hard, working overtime, but they cannot do it alone.

When our country was attacked, it was not just New York or Washington. They were, in fact, attacking the United States of America. We have an obligation to our hard-working men and women, the firefighters, the police officers, the emergency medical workers, to make sure we are partnering with them to make sure they have the resources they need.

I have heard so much about the need for communication equipment, bioterrorism training, additional personnel. They are saying to me that it is very frustrating when, on the one hand, we say we are getting them more money, and then we cut the COPS Program or the Fire Grant Program.

The Senator from Louisiana raises an important point about the Specter amendment as to where the dollars come from. I will support the Specter amendment, but we have to make sure these are really new dollars and not just moving from one pot to another pot because the reality is that our first responders cannot do this without our partnership and our support.
Ms. LANDRIEU. Mr. President, I wish to respond to the Senator from Pennsylvania because this is a very important debate. I thank him, first, for the effort he has made to try to bring some compromise to the issue.

I restated today why it is essential for some of us from some States that have serious needs of critical infrastructure. We supply 20 percent of the Nation’s oil and gas. I have more pipelines in my State than any other State in the Union. We are happy to provide the energy needed. Chemical plants are located not only in Illinois, New Jersey, and other States. To ask us to be forced to say we don’t really need money for that and we can give money to urban areas—the fact is, we need to give money to both.

And to New York, Pennsylvania, New Orleans, as well as other places where pipelines run under very small communities.

I hope the Senator from Pennsylvania will take this seriously—and I know he did not. We can perhaps work as a member of the Appropriations Committee as this bill moves through to try to find an additional remedy so we don’t have to get rural areas giving up their money for urban areas giving up their money for rural areas, and we can try to make fair allocations to protect all of the critical infrastructure in the Nation, whether it is in rural or urban areas.

Mr. SCHUMER. Mr. President, I think the Senator from Louisiana makes a valid point on the need for more funding. We are now on the emergency supplemental. We do not know at this moment what the costs are to protect all of these interests. We will know shortly. We have asked for 60 days. We will be moving forward with more appropriations bills. We are in the process now of moving forward.

The subcommittee, chaired by the distinguished Senator from Mississippi, on which I serve, will be taking it up. We will be interested to see the specifications as to what it costs to protect the interests identified by the Senator from Louisiana. But I think this is a substantial start. This is a combination of trying to get more funds in. And getting $200 million is not easy on this side of the aisle. Making the reallocation of the $600 million is a very material advance.

Mr. LANDRIEU. I thank the Senator for his comments. I look forward to working with him as we try to provide additional funding for the critical structure that is necessary throughout many places in the South and in the industrial East.

Mr. SCHUMER. Mr. President, I ask unanimous consent to add Senator Lautenberg as a cosponsor.

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

Mr. Lautenberg. Mr. President, I yield to the Senator from New Jersey 2 minutes.

Ms. LANDRIEU. Mr. President, I rise in support of the amendment offered by my colleagues, Senator Schumer, Senator Clinton, and Senator Mikulski.

The amendment of the Senator from Pennsylvania, too, is an amendment that has to be considered favorably. The amendment is desperately needed funds to State and local governments to bolster their emergency preparedness. I am pleased the amendment sponsors have included my proposal to reimburse State and local governments for additional costs they incur replacing their first responders who are called to active duty in the Reserves or National Guard.

Not surprisingly, many local police and fire and rescue and emergency medical service and hazardous material disposal personnel serve in the National Guard and Reserves. More and more, these men and women are being called up for longer and longer tours of active duty, and especially now that the war with Iraq is underway. It is critical that we bolster our military capabilities here and abroad but that we not do it at the expense of our safety and security at home.

I have spoken to a lot of mayors in New Jersey. New Jersey shared the impact of the terrible assault on the Trade Centers with New York, as 700 of our citizens died that day. What perplexes them is the fact that here they are being asked to bolster the defenses of their state with Iraq is underway. It is critical that we bolster our military capabilities here and abroad but that we not do it at the expense of our safety and security at home.

I am pleased that the amendment sponsors have included my proposal to reimburse State and local governments for additional costs they incur replacing their first responders who are called to active duty in the Reserves or National Guard.

The 1.2 million men and women who serve in the National Guard and Reserves are a crucial component of our military. They account for just 8.3 percent of the Defense budget but give us the capability, if necessary, of nearly doubling our armed forces.

Not surprisingly, many local police, fire, rescue, emergency medical service, and emergency hazardous material disposal personnel serve in the National Guard and Reserves. More and more of these men and women are being called up for longer and longer tours of active duty. Especially now that the war with Iraq has begun.

It is critical that we bolster our military capabilities here and abroad. But we must not do it at the expense of our safety and security at home.

Our local communities must have the necessary personnel to respond to terrorism, natural disasters, and other emergencies.
My proposal would reimburse State, local, and tribal governments for the additional costs they incur when their "first responders" who serve in the Reserves and the National Guard are called to active duty for 6 or more consecutive months.

Reimbursable costs could include the salary and benefits associated with hiring a replacement or the overtime paid to other emergency personnel who "fill in" for the first responder called to active duty. If the funds are made available to units of local government based on population, some degree of accountability that Federal funds will be used to cover allowable costs.

The amendment further requires that not less than 80 percent of each State's funds be used for "costs of law enforcement, fire, emergency medical services, and other emergency personnel, including covering overtime expenses." It does not define what this means. Does this mean hiring personnel or reimbursement of costs of existing personnel, or both? What is the baseline for determining this? What will ensure that Federal assistance supplement and not supplant existing levels of effort?

The amendment also does not define how federal funds are to be allocated. It states that not less than 80 percent of each State's funds be made available to units of local government based on population. Of the funds mandated to go to localities, the amendment then requires 20 percent be used "shall be for"—“costs of law enforcement, fire, emergency medical services, and other emergency personnel, including covering overtime expenses.”

In addition, the amendment allows grant funds to be used for "personnel funds". It does not define what this means. What is the baseline for determining this? What will ensure that Federal assistance supplement and not supplant existing levels of effort?

The amendment also does not define how federal funds are to be allocated. It states that not less than 80 percent of each State's funds be made available to units of Local Government. If it truly means all local units will receive funds based on population, the Federal funding will be diluted by giving many small jurisdictions small grants. And, it will most likely cause further delay, if you consider there are over 3,100 counties, each containing townships, villages or other governmental units, and the States are required, as this amendment requests, to disperse all these funds to this number of jurisdictions based on population within 30 days, and then to make sure that 20 percent of those funds be allocated only for specified purposes, as the amendment requires.

Where the current system relies on planning-based decisionmaking, this amendment resembles revenue sharing. I realize that changes to the current system may be merited. Questions have been raised about the appropriate Federal share of the additional cost to States and local governments of terrorism preparedness and response efforts; what should properly be a Federal responsibility; and the formula for distributing funds, and the extent to which it properly reflects risks and vulnerabilities.

However, changes should be made after careful review by the authorizing committees of jurisdiction, not done on this supplemental appropriations bill. The chairman of the Senate Government Affairs Committee has already announced a series of hearings, beginning next week, to review the Department of Homeland Security's grant programs and their effectiveness. I do know that with respect to making a decision on this here today, the current process is preferable to what is being proposed by this amendment. The amendment would only make things worse.

The same is true for the mechanism proposed by this amendment to deliver critical infrastructure protection funds to States. It would require States to distribute or a per capita basis to States. Once funds are available to States, 50 percent must be made available to local jurisdictions within 30 days of receipt. Again, it would dilute the funds being made available for security costs related to protection of critical infrastructure, which are intended to help State and local governments cover additional costs resulting from Operation Liberty Shield. Again, this is not targeted assistance, it is a revenue sharing approach to a problem.

The amendment also provides an additional $25 million for grants under the National Fire Protection Act. There is no indication that additional funding is needed at this time. The Department of Homeland Security is still processing applications for the $745 million made available for fiscal year 2003. Plus this additional funding, as well as an additional $30 million proposed for the Department of Justice Community-Oriented Policing Services, is proposed on top of the amendment's requirements that 20 percent of local jurisdictions' share of State grants be used for “law enforcement, fire, emergency medical services, and other emergency personnel, including covering overtime expenses.”

The bill reported by the Appropriations Committee includes $2 billion in supplemental appropriations for the Office for Domestic Preparedness to assist State and local governments to expand their capacity to prepare and respond to potential terrorist threats. We understand that it also provides an additional $1.42 billion for grants to States, at least 80 percent of which must be passed through to local governments. This funding is for the acquisition of equipment, training, exercises, and planning. It is intended to assist States to more aggressively implement their statewide domestic preparedness strategies.

In addition, the committee-reported bill provides an additional $30 million in direct technical assistance to states for a variety of activities, as needed, including support for plan development and implementation of exercises. It also provides $450 million, as requested by the President, for State grants to assist State and local governments with the costs of augmenting security at critical infrastructure facilities during the period of hostilities with Iraq. This recognizes the new requirements imposed on States and localities by the immediate need for heightened protection of critical infrastructure facilities. We understand
that the department has already reached out to States to ensure security measures are under way for the most sensitive sites and has been working with governors in developing site protection plans so that these funds can be put to use.

Lastly, it provides additional $100 million to be targeted to high-risk urban areas, as determined by the Secretary of Homeland Security.

The amendment offered by the Senator from Pennsylvania would alter the amount recommended in the committee-reported bill to provide total supplemental appropriations of $600 million for assistance to high-threat urban areas and the total supplemental appropriations for the Office for Domestic Preparedness to $2.2 billion. I support the Specter amendment, and I urge my colleagues to oppose the amendment offered by Senator Schumer.

Mr. SPECTER. Mr. President, I yield to the distinguished chairman.

Mr. STEVENS. How much time remains, Mr. President?

The PRESIDING OFFICER. The Senator from Pennsylvania has 8 minutes 16 seconds.

Mr. STEVENS. Mr. President, I want to make clear what I stated before. I do support the Specter amendment. By virtue of the approach the Senator from Pennsylvania has enunciated, we end up with more money in this area of great concern, but we increase the amount of money in the bill by $200 million. There was already $100 million in the committee-reported bill.

I do accept Senator Specter's approach to this. I am hopeful we can convince the House to recognize that this is the proper way to allocate the money the President requested and convince them that the amount we have in this bill is sufficient to meet the objectives we all seek to attain. I urge Senators to vote for the Specter amendment. Again, reluctantly, I state I am opposed to the amendment offered by the Senator from New York and his colleagues.

Mr. SPECTER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be. The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. I announce that the amendment offered by the Senator from Kentucky (Mr. Bunning) to table that amendment.

Mr. BUNNING. Mr. President, I vote aye.

Mr. SPECTER. Mr. President, I ask the yeas and nays on the Schumer amendment.

The PRESIDING OFFICER. The yeas and nays on the Schumer amendment are ordered.

The amendment (No. 515) was agreed to.

The legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Kentucky (Mr. Bunning) is necessarily absent.

I further announce that, if present and voting, the Senator from Kentucky (Mr. Bunning) would vote 'aye.'

Mr. REID. I announce that the Senator from Hawaii (Mr. Inouye) and the Senator from Massachusetts (Mr. Kerry) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. Kerry) would vote 'aye.'

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 65, nays 32, as follows:

[Table of Rollcall Vote No. 122 Leg.]

Mr. STEVENS. Mr. President, I ask unanimous consent to change the vote.

Mr. SPECTER. How much time remains?

The PRESIDING OFFICER. The Senator from Pennsylvania has 1 minute 50 seconds.

Mr. SPECTER. The Senator from New York is.

Mr. SCHUMER. Mr. President, I am prepared to yield back time if the Senator from New York is.

Mr. SCHUMER. I am prepared to yield back our time as well so we can move on with the drug war.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to amendment No. 515. The clerk will call the roll.

The motion was agreed to.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I would like to be able to discuss what we are going to do now. We have the managers' package that has some problems. We have to decide how to get out of it. It is my suggestion that we listen to the Senator from Arizona on some of the objections he has to items in the managers' package and see what we can do after the Senator explains his position.

How long would the Senator like to talk?

Mr. MCCAIN. Three minutes.

Mr. STEVENS. I ask unanimous consent we listen to Senator McCain for 10 minutes and see what objections we can possibly remedy with the problems he has with the managers' package.
Mr. STEVENS. Mr. President, I have great respect for the Senator from Arizona. He provides really a service to the Senate to make us think about these issues. I have thought about all of them. I am not a member of the conference. I am sure many of these amendments are being cleared that will go in this. They call it the first package. Several are being cleared that will go in this. There is a group of, I think, six that is still out there being cleared. Of these, Senator McCain has agreed with 11 out of the 25. He agrees to modify four others that were not in my accounting. So we can proceed with those on a consent basis and see if the Senator wants to call up the amendments. We are going to be here for a long time if we do that, but in fairness I don’t have the ability to withdraw these and say the Senate can offer them. They have to use them in the package mechanism so we could save time for the Senate. It is obviously not going to do that. I am prepared, however, as soon as I get the balance of this, to offer them all and let the Senator do the same and then we will move them one at a time.

Mr. BYRD. Will the Senator yield?

Mr. STEVENS. I yield to my friend.

Mr. ByRD. Why don’t we just finish this Tuesday?

Mr. STEVENS. If we finish this Tuesday, the House will be finished by next weekend because we have to have time for both Houses to prepare a chart on a bill such as this, to see what our differences are, so we can go into conference and deal with the differences. If we pass this bill Tuesday, the House will finish it Tuesday, and we will not be able to get it finished by a week from Friday.

Mr. BYRD. Will the Senator yield?

Mr. STEVENS. Yes, sir.
Mr. BYRD. In the request that will be propounded with respect to the appointment of conferees, how many conferees on the part of the Senate is the chairman expecting?

Mr. STEVENS. In the conference on the supplemental, following the procedures the Senator from West Virginia and I have used in the past, we will have the full committee.

Mr. BYRD. Will the Senator yield further?

Mr. STEVENS. Yes.

Mr. BYRD. Other Senators may do as they wish. This Senator is going to go home. That is my right to do. I don't have any quarrel with others who want to stay. I have cast over 16,600 votes in the Senate. I think I have been pretty loyal to my duties to my constituents. But I need to be home. I have been married almost 66 years. I have been in the Senate a little over 44 years. I have been married longer. So I think my duty is to my wife. There are only two duties that will exceed my duties in the Senate. One is my duty to my God and the second is to my family.

So I ask unanimous consent, in accordance with paragraph 2 of rule VI of the Standing Rules of the Senate, that I be granted a leave of absence for the rest of the day so that I can go home and be with my wife. Others who wish to stay here may do so. I have spent my time over the years here. If others want to stay, that is fine. I don't think it is absolutely necessary to finish this tonight. I think we can wait until Tuesday. But as far as I am concerned, I thank all Senators for their staying around and completing action on this bill, but count me out. I so ask unanimous consent.

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

Mr. BYRD. I thank the Chair. The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, my great friend from West Virginia today told me of the difficult problems he has and wanted to leave by 5:30. I thought we might make that. Again I find myself apologizing to my friend twice in 2 days.

Mr. BYRD. The Senator does not owe me an apology.

Mr. STEVENS. I thought we would finish. I will ask the time for the Senator to be with his wife.

Mr. BYRD. The Senator has always been courteous to me. I have no quarrel with him or any other Senator.

Mr. STEVENS. I thank the Senator.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I do not want to prolong the debate. The Senator from Alaska just mentioned there are six amendments still being cleared. This is a way to spend the taxpayers' dollars—to pass 25 or how ever many amendments there are, into a managers' amendment accumulating billions of dollars.

The Senator from Alaska said "the appropriate people were notified and these amendments were discussed with them." I do not like to indulge in a show of hands, but I guarantee you, Mr. President, most of the Members of this body of these amendments that are in the managers' package because I have been here most of the day and I have never heard them discussed or debated. The only reason I am seeing them now for the first time, as I say before we would have had final passage on the bill is because we demanded to see them.

Again, I am not a member of the Appropriations Committee. I believe there are 20 some members of the hundreds of us who are members of the Appropriations Committee. For us to simply say, I will accept a $600 million amendment; don't worry, we will work it in the managers' package because I have been here most of the day and I have never heard them discussed or debated. The only reason I am seeing them now for the first time, as I say before we would have had final passage on the bill is because we demanded to see them.

We cannot govern this way. We cannot. We cannot do that. I apologize to my colleagues for this procedure. I apologize to my colleagues for this, but I am not the one who ran this procedure. I warned the Senator from Alaska time after time that the managers' package was the most egregious example of everything that is wrong in the appropriations process. I will never forget a couple years ago when I asked the manager of the bill: What is in the managers' package, as everybody was standing in line to vote. He said: I don't know.

I let it go because I did not want to anger my colleagues and upset the schedules of my colleagues. Do you know what we found? We found about $500 million in absolutely unnecessary and unrelated projects added in a "managers' amendment." We cannot do that. We cannot do business this way.

I agree with the Senator from Alaska that he will win on every one of these votes because we just saw earlier today that if we are not going to reject $93 million for an agriculture research center and $50 million for maritime administration guaranteed loans, which is a totally failed program—and I have forgotten some of the others—we certainly are not going to turn down amendments that have as much as $600 million.

Here is another one. An amendment described as town meetings. Interesting, town meetings. It removes a 250,000-person threshold for Senate funding of town meetings. What is that all about? It may be, as the Senator alluded to, that we had more severe winters than others at the South Pole, but there may be a very legitimate reason to lift the cap on a 250,000-person threshold for Senate funding of town meetings. We do not know. We do not know. I say to the Senator from Alaska.

Mr. STEVENS. Will the Senator yield?

Mr. MCCAIN. No. I would like to finish first.

I yield to the Senator from Alaska. I yield.

Mr. STEVENS. No, I will wait.

Mr. MCCAIN. All I am saying is we do not know. There may be good reasons or there may be bad reasons. There may be good reasons, when we are trying to fight the war on terrorism and the war on Iraq, to lift the 250,000-person threshold for funding for town meetings. There may not be. We do not know.

Mr. President, I would like to make two points. One, I propose a vote on the Kohl amendment, which is Amendment No. 455, which gives an additional $600 million for agriculture. At the conclusion of that vote, then I will be ready to go to final passage, but I want to tell my colleagues for the last time, I will not—I will not—we cannot govern this way. It is not right. We are not carrying out our duties to the people who send their hard-earned tax dollars to us to handle with care and deliberation.

So if it is agreeable with the Senator from Alaska, we will have a vote, we will add an additional $600 million, which was in the managers' package and never debated or discussed that I know of, and I bet most of my colleagues never knew of, and we will probably adopt it, giving an additional $600 million to help I guess feed the troops in Iraq, and then we will go to final passage.

But I tell my colleagues who are here on the floor, I will not do this managers' package routine ever again. If the Senator from Alaska feels he will not carry something in conference because it is a losing vote, then that is how it should be, but at least every Senator will be on record and their constituents will know how they stood on town meetings and the South Pole and all of these others—Louisville Jefferson County Public Safety Communications System, et cetera. If it is agreeable with the Senator from Alaska, I will agree to a unanimous consent request to do that.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I am grateful to the Senator from Arizona for that suggestion. I point out to him before we proceed—and we will proceed—we will ask Senator Byrd to be prepared to offer his amendment, and following that we will offer the managers' amendment—but just this afternoon, I was notified that travel and transportation for members of the armed services was not authorized in some circumstances. One of these amendments authorizes transportation of families of the people who have been injured to Germany, or wherever they are, so they can see their loved ones. They did not have that authority. An amendment in this bill will do that.

They also do not have the money and authorization to buy, for a young person injured and coming back not on a
gurney, but needs civilian clothes, something different to wear other than a military uniform because of the injury—we have a provision in here for medical evacuation of members of the Armed Forces. Those that are more than 6 o’clock. I think they are relevant to this bill, one of the six the Senator has not seen yet. There are a lot that came up.

I suggest we proceed. The managers’ package concept replaces the old litany of amendments that were offered and offered and offered. I remember one time we were here 40 hours. That is what you get into when you do not have a managers’ package.

Is Senator KOHL here? Mr. DASCHLE. We can offer it on his behalf.

Mr. STEVENS. Will the Chair lay before the Senate Senator KOHL’s amendment?

AMENDMENT NO. 455

Mr. STEVENS. Mr. President, I call up amendment No. 455. The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. KOHL, Mr. BYRD, Mr. BIDEN, Mrs. MURRAY, Mr. HARKIN, and Mr. NELSON of Florida, proposes an amendment numbered 455.

Mr. STEVENS. Mr. President, I ask unanimous consent that the amendments we have here in the amendment be dispensed with.

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

Mr. STEVENS. Mr. President, I call the roll.

Mr. STEVENS. I withdraw the request.

Mr. REID. Would the Senator renew his request?

Mr. STEVENS. I withdraw the request.

Mr. KOHL, Mr. President, I am pleased to join with Senator BIDEN in offering this amendment.

I offer an amendment to provide $600 million for our international food aid program. This amendment is cosponsored by Senators BYRD, DASCHLE, LEAHY, HARKIN, BIDEN, MURRAY, NELSON of Florida, DORGAN, LINCOLN, DURBIN, DeWINE, BAUCUS, ROBERTS, and DAYTON.

Our amendment is necessary because of the intense pressure the food needs in Iraq have placed on our world food programs. Already, the Department of Defense has used $269 million from our largest international food aid program—PL–480—to feed the Iraqi people. That is $269 million from the $1.4 billion worth of food a year distributed at more than 40,000 food distribution sites throughout the country. On March 17, UN Secretary General Kofi Annan suspended the Oil for Food Program. Now, over 2 weeks later, the citizens of Iraq are nearing the end of their food stocks.

We are not just guessing that a food crisis is imminent in Iraq. The UN has stated unequivocally that there is a continuing and immediate need to feed the Iraqi people as they attempt to re-establish the Oil for Food Program. Last Friday, the United Nations petitioned the world community for $3 billion to meet that need. Just Saturday, the World Food Program announced that the operation in Iraq could “evolve into the largest humanitarian operation in history.” The supplemental before us earmarks no funds for that effort.

The administration has decided—I believe correctly—to use our existing food aid programs to deliver this aid to Iraq. Our amendment simply asks that we replace the funds we are removing now—and will continue to remove—from that program—funds that were budgeted for starving people in Africa, Afghanistan, Indonesia, and North Korea.

Our amendment is endorsed by a coalition of international relief agencies called the “Coalition for Food Aid.” Their members include the American Red Cross, CARE, Catholic Relief Services, and Save the Children. The amendment is also supported by the American Farm Bureau, the National Association of Wheat Growers, the U.S. Rice Producers Association, the USA Rice Federation, and the Wheat Export Trade Education Committee. I ask unanimous consent to have printed in the RECORD these letters of endorsement.

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

April 3, 2003

HON. HERBERT KOHL,
U.S. Senate,
Washington, DC.

DEAR SENATOR KOHL: The undersigned organizations appreciate your dedication to re-establishing funding for food aid and we support your amendment to the FY03 Supplemental Appropriations bill.

Your amendment comes at a critical time as the United States needs to provide necessary food aid for the people of Iraq. Providing additional funding and replenishing...
April 3, 2003

Washington, DC.

Mr. NELSON of Florida. Mr. President, I urge my colleagues to support the amendment by Senator Kohl. It is vitally important to American pride and security that the United States deliver food and humanitarian aid to the people of Iraq.

Because of the gap between the amount of funds available for food aid and actual food needs, the Administration has been forced to limit funding for Afghan and other emergencies to reduce ongoing food assistance in many vulnerable countries, including Angola, Bangladesh, Uganda, Malawi, Haiti, Mozambique, Ghana, Kenya, Bolivia, Guatemala, Peru and parts of Ethiopia. The amendment assures the restoration of funds for previously approved food aid programs in FY 2003. It is critical that these funds be provided as soon as possible to replenish these programs, since it takes a few months to buy commodities and deliver them abroad.

The amendment also provides funds to store the Bill Emerson Humanitarian Trust to 2 million metric tons, one half of the authorized amount, which will allow the Secretary of Agriculture to sell Emerson Trust commodities and to deliver them abroad.

The amendment also provides funds to replenish the Bill Emerson Humanitarian Trust to 2 million metric tons, one half of the authorized amount, which will allow the Secretary of Agriculture to sell Emerson Trust commodities and to deliver them abroad.

Mr. President, I urge my colleagues to support the amendment. 

Mr. NELSON of Florida. Mr. President, the Bill Emerson Humanitarian Trust is an emergency grain reserve which recently released approximately 800,000 tons of wheat for assistance to Iraq at a cost of $100 million. The replenishment of the Bill Emerson Humanitarian Trust, restoration of Public Law 480 funds that have been diverted from other emergency programs, and other additional funds are needed to meet this year's food aid needs for Iraq, as identified by the World Food Program. Historically, the United States has always provided one half of emergency food aid needs.

At the time hostilities commenced in Iraq, the U.N. Oil for Food Program provided food to over 60 percent of the Iraqi people via over 40,000 feeding stations. These feeding stations were run by the regime of Saddam Hussein. Hopefully, U.S. and coalition forces can restore the programs and get the food to the Iraqi people quickly. But hope alone will not feed Iraqi families left starving by a disruption in this program. The world Food Program has just announced an overall appeal of $3 billion for food aid for Iraq for the next 6 months.

We must make adequate preparations right now to provide the food assistance required of us. The Kohl amendment delivers on this moral imperative by providing funds needed for the requirement of U.S. forces and other agencies, $269 million from our largest international food program, Public Law 480, and the Bill Emerson Humanitarian Trust, have already been obligated to meet the urgent need to feed the Iraqi people. That $269 million is derived from funds appropriated or made available last year for other world hunger needs in countries such as Saudi Arabia, Afghanistan, Korea, and North Korea. We need to replenish that money which has been used to feed the people in Iraq.

I also thought we needed to provide more than an additional $200 million for the requirements that I anticipate we will be very shortly facing in Iraq with respect to feeding their people. The Bill Emerson Humanitarian Trust is an emergency grain reserve which recently released approximately 800,000 tons of wheat for assistance to Iraq at a cost of $100 million. The replenishment of the Bill Emerson Humanitarian Trust, restoration of Public Law 480 funds that have been diverted from areas such as Sub-Saharan Africa, and providing resources for anticipated needs in Iraq total the $600 million I have included in this amendment.

I urge my colleagues to support the amendment.

Mr. NELSON of Florida. Mr. President, the United States is over, the world will be a safer place. But make no mistake, the American armed forces need to stay there for a long time. It is incumbent upon the United States to ensure Iraq's transition to a freedom. One element critical to post-conflict reconstruction has already begun, and must continue throughout the fighting. That element is the supply of food and humanitarian relief to the people of Iraq.

The supplemental provides some funds for humanitarian relief, but it is not enough. The Senator from Wisconsin has offered an amendment to this legislation which would provide $600 million in funding in emergency food relief for P.L. 480 Title Two and the Emerson Humanitarian Trust. This $600 million the amendment provides is based on close consultation with organizations who know the situation well from their humanitarian work. The Kohl amendment is vitally important to ongoing operations in Iraq. It: restores funds diverted from other emergency food assistance provided in P.L. 480 activities—including those in Africa—that have been redirected for assistance to Iraq; restores 800,000 metric tons of Emerson Trust, another humanitarian food relief program, because of previous releases this year; and allows for at least one third of food aid needs for Iraq, as identified by the World Food Program. Historically, the United States provides one half of emergency food aid needs.

The amendment also provides funds to replenish the Bill Emerson Humanitarian Trust to 2 million metric tons, one half of the authorized amount, which will allow the Secretary of Agriculture to sell Emerson Trust commodities and to deliver them abroad. Because additional funds are made available by this amendment, both to replenish the Emerson Trust, needed commodities can be purchased directly from the market and sales of commodities held by the Trust are unnecessary.

With America's abundant agricultural resources and long-standing tradition of helping the poor, providing funding so the United States may meet its commitments to help alleviate hunger is both appropriate and necessary. We therefore thank you for your leadership and urge the acceptance of your amendment by the United States Senate.
even the most mild illnesses thereby exacerbating the impact of the food shortage. In addition, we know there is still about $250–$350 million shortfall in food assistance to Africa for this fiscal year, which the Congress was unable to provide during the conference. The United States currently provides food assistance to Haiti from P.L. 480, Title Two, to the tune of about $22 million, or about 40 percent of our bilateral assistance. This assistance is so important because it is one of the few ways in which we can help the Haitian people, without providing assistance to a corrupt government. We do not provide Haiti with other forms of assistance commonly provided to other countries, like economic or developmental assistance. This is due to the political stalemate, almost 3 years old, and the inability of President Aristide to take any meaningful and demonstrable steps to resolve the crisis and improve conditions. I emphasize that the integrity of the food assistance to Haiti must be protected and preserved in its entirety. The Kohl Amendment does so.

This provision also provides initial resources that will be needed to win the cooperation of the Iraqis in the war. It does not specifically designate the funds for Iraq, to be consistent with the way we have traditionally appropriated food assistance governed by P.L. 480; Title II funds, but I trust that these funds will be used for the purpose for which they are intended—feeding the Iraqi people with- out raiding important food assistance accounts for other regions, such as sub-Saharan Africa, and Haiti.

We must act now. I urge support of the Kohl Amendment.

Mr. MCCAIN. Mr. President, the Senator from Wisconsin mentioned Saudi Arabia; I did not know the people of Saudi Arabia were in need.

But, again, it is unrequested by the administration. I am sure it is worthwhile. There is not an amendment that has come before us that is not worthwhile, but it was not felt urgent at this time by the administration.

I yield the floor.

THE PRESIDING OFFICER. Is there further debate?

Mr. STEVENS. Mr. President, I don't know of anyone on our side who asked for time on the amendment. I believe the Senator has explained it. I ask unanimous consent that when we start consideration of this vote, there be no further amendments in order, and that immediately following the vote on the managers' package, we go to third reading of this bill, and we have a procedure at that time to bring up this bill at the desk until the House bill arrived and it would automatically be married to the House bill and sent to conference as soon as possible.

The PRESIDING OFFICER. Is there objection?

Mr. WYDEN. Reserving the right to object, I will be very brief. I am very reluctant to do this because the chairman has been very gracious to me. Senator Specter and I had worked throughout the day on a bipartisan amendment. We would like a few minutes. It has been heard by the committees of jurisdiction, and we would like a few minutes to work with the chairman. With regards to the $2 billion, we certainly ought to make sure there is a repetitiveness in the contracting. The Senator from Maine, the Chair of the Governmental Affairs Committee, has done exceptional work in this area. If we could work with the chairman, I think in a few minutes we could work this out.

I am very reluctant to make this reservation.

Mr. STEVENS. Mr. President, the Senator's amendment would change the procedure for every department or agency in the Federal Government in terms of the concept of what must be published in the Federal Register. It also has an exception for withholding publication of any document that is classified.

But in the period of time we are in right now, I don't have time to research this in terms of what does this do to the Department of Defense, what does it do to the CIA, what does it do to the FBI, what does it do to every other organization of the country. I have tried to clear this. There is a great deal of what has been eliminated, but I, too, am a member of this Governmental Affairs Committee, and I could not ever remember taking it up in the Governmental Affairs Committee. I understand what it is, but I don't understand its impact on the agencies I am supposed to protect in terms of the Department of Defense.

I cannot accept that I renew my request that following the vote on the managers' package, no further votes be in order and we proceed immediately to third reading under the proceedings as outlined, which will be outlined in fuller detail at that time, but it will mean that will be the last vote of the day and we will not vote past taking the bill to third reading.

The Kohl amendment comes first.

THE PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, the first amendment offered by the Senator from Alaska when we started yesterday, that is going to be withdrawn; is my understanding correct?

Mr. STEVENS. We will have a dialog here about the debt ceiling amendment, and I have given my word to the Senator from West Virginia that we will take it up. We may not accept it that way, but I want to have that dialog. That can take place after the vote. I assure everyone that will be handled in a proper way. I have been asked to make a record of why we did not proceed with the debt ceiling amendment, and I would like to do it at that time.

I renew my request. THE PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. The parliamentary situation is: We will vote on the Kohl amendment, we will vote then on the managers' package, and then the bill will go to third reading under the outline we provided at that time, and there be no further votes or amendments in order to this bill.

The PRESIDING OFFICER. There are four amendments pending which must be disposed of prior to third reading.

AMENDMENTS NOS. 440, 500, AND 504, WITHDRAWN

Mr. STEVENS. I would say there are amendments at the desk that have been modified or agreed to and put into the managers' package. So I ask that those be withdrawn. I believe all the Members involved know what has been done on those amendments. I ask that they be withdrawn and—there are four of them.

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

Mr. STEVENS. I will withdraw the other amendment when we have the dialog after the vote.

The PRESIDING OFFICER (Mr. TAL- ENT). Without objection, it is so ordered. The three amendments are withdrawn.

Mr. STEVENS. I ask for the yeas and nays on the Kohl amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 455. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FRIST. I announce that the Senator from Kentucky (Mr. Bunning), the Senator from New Mexico (Mr. Domenici), and the Senator from Kentucky (Mr. McConnell) are necessarily absent.

Mr. REID. I announce that the Senator from West Virginia (Mr. Byrd), the Senator from Hawaii (Mr. Inouye), the Senator from Massachusetts (Mr. Kerry), and the Senator from Connecticut (Mr. Lieberman) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. Kerry), would vote "Aye."

The result was announced—yeas 67, nays 26, as follows:

[Rollcall Vote No. 124 Leg.]
The amendment (No. 455) was agreed to.

Mr. STEVENS. 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.

Mr. STEVENS. The PRESIDING OFFICER, the majority leader.

Mr. FRIST. Mr. Senator, let me thank all Members for their patience and consideration in expediting the bill. It is imperative that we complete this bill, get it to conference, and then get the bill on the President's desk. This next vote will be the last vote of the week. The Senate will not be in session on Friday. We will resume business on Monday with a vote occurring at 5 p.m. on a judicial nomination.

Next week we hope to take up and complete the CARE Act, the FISA bill, POW resolution, other nominations, as well as conference reports that become available.

I thank everyone for their attention and appreciate the hard work over the course of the day.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM of Florida. Mr. President, ask unanimous consent that Senators JEFFORDS and KENNEDY be added as cosponsors of amendment No. 459.

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

Mr. STEVENS. Mr. President, I have an amendment at the desk, a series of amendments. I ask that these amendments be considered en bloc and they be adopted en bloc by one rollcall vote.

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

Mr. STEVENS. I withdraw that. Is it possible we might have a voice vote? I will be happy to have a voice vote.

I renew the request that the managers' package at the desk be considered en bloc and adopted en bloc. Does the Senator from Vermont get a rollcall vote? Without a rollcall vote.

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

Mr. STEVENS, I call the attention of the clerk to the fact that there are several original amendments in that package, and they will be properly handled.

Mr. MCCAIN. May I ask what that means?

Mr. STEVENS. It just means they were not numbered. We took out some amendments and put a new one in its place, but we did not make it a substitute for the amendment that is in place.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes an amendment numbered 522.

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

Mr. EDWARDS. Mr. President, I rise today to speak about an amendment I have offered to provide funding for the All Hazards Emergency Warning Network. If we are truly going to improve our homeland defense, we must prepare Americans to respond in time of attack. And the first step towards that goal is updating our emergency warning system. We must ensure that warnings reach all Americans at risk as quickly as possible.

In the event of a terrorist attack or natural disaster, Americans must know how to respond. Unfortunately, for everything that has happened since September 11, if an attack happened again, many of us still would not know what to do. Today, our emergency alert system depends heavily on television and radio, and doesn't reach millions of Americans who aren't near a TV and radio, and doesn't reach millions of Americans who aren't near a TV and radio. And a given moment. In addition, the system doesn't provide all the information we need. Right now, the All Hazards Warning Network cannot effectively broadcast information about all types of emergencies, particularly terrorist attacks. That must change.

We need to ensure that NOAA has the funds it needs to begin incorporating new warnings and new technologies within the national weather radio immediately.

I have proposed providing NOAA with $10 million right now for incorporating additional technologies for disseminating terrorism warnings within the All Hazards Warning Network. There are a lot of ways that NOAA weather radio could be broadcast using existing technology. Cell phones could receive emergency warnings for users in a certain area even if those folks are just passing through. Pagers and beepers can achieve the same result. Televisions can be programmed to alert in the event of a disaster. We need to encourage the development and implementation of these new technologies.

Additionally, and perhaps most importantly, NOAA weather radio should have full communication with emergency managers at the local level—the men and women who will be on the front lines of any emergency. The All Hazards Warning Network needs to allow emergency agencies to transmit warnings about all types of disasters, including terrorism, to citizens in their area without the delays currently in place.

This is an idea I have been working on for some time. This bill I introduced this session, together with Mr. HOLLINGS, would require the Department of Homeland Security and the Department of Commerce to make sure that comprehensive, easily understood emergency warnings get to every American at risk. Today's amendment will go a long way towards reaching that goal.

Mr. LEAHY. Mr. President, today I am proud to offer an amendment with Senator CRAIG and five other Senators that will repeal a rider that was inserted without a vote, without debate, and without discussion into the Omnibus Appropriations Conference Report.

The antiorganic rider allows producers to label their meat and dairy products "organic" even though they do not meet the strict criteria set forth by USDA, including the requirement that the animals be fed organically grown feed. This approach was considered and outright rejected by USDA last June. The entire organic industry opposed this weakening of the organic standards.

The antiorganic rider allows producers to label their meat and dairy products "organic" even though they do not meet the strict criteria set forth by USDA, including the requirement that the animals be fed organically grown feed. This approach was considered and outright rejected by USDA last June. The entire organic industry opposed this weakening of the organic standards.

If beef, poultry, pork and dairy producers are able to label their products as "organic" without using organic feed, which is one of the primary inputs, then what exactly is organic about the product?

Opposition to this rider has been broad, deep, and extremely bipartisan. I have spoken to Secretary Veneman, who has come out publicly in opposition to the antiorganic rider. In the last month, a total of 68 Senators have joined me by cosponsoring a bill to repeal this rider.

This antiorganic rider is particularly galling because so many producers have already made the commitment to organic production. For most, this is a huge financial commitment on their part.

Now the rider has created a legal limbo for farmers. No one knows what the legal requirements for organic animal products are.

I have heard from large producers—General Mills, Tyson Foods—as well as scores of farmers from Vermont and around the country who are enraged by this special loophole included for one company that does not want to play by the rules.

Our amendment simply strikes this antiorganic rider from the Omnibus...
Appropriations Act, restoring the strong organic standards created by USDA. We need to send a message to all producers that if you want to benefit from the organic standards economically, you must actually meet them.

When I included the Organic Foods Production Act in the 1990 farm bill, it was because farmers recognized the growing consumer demand for organically produced products, but needed a tool to help consumers know which products were truly organic and which were not.

The act directed USDA to set minimum national standards for products labeled “organic” so that consumers could make informed buying decisions. The national standard also reassured farmers selling organically produced products that they would not have to follow separate rules in each State, and that their products could be labeled “organic” overseas.

These new standards have been enthusiastically welcomed by consumers, because through organic labeling they now can know what they are choosing and paying for when they shop. The antiorganic rider, however, has undermined confidence in organic labeling, which is less than a year old.

This was not the first attempt to weaken the organic standards. Getting the organic standards that are behind the “USDA Organic” label right was a long and difficult process, but critically important to the future of the industry. During the rule-making process, some tried to allow products treated with sewer sludge, irradiation, and antibiotics to be labeled “organic.”

The public outcry against this was overwhelming. More than 325,000 people weighed in during the comment period, as did I. The groundswell of support for strong standards clearly showed that the public wants “organic” to really mean something. Those efforts to hijack the term were defeated and this one should be, too.

Consumers and producers rely on the standard. I hope more members will support my amendment and send a message to special interests that they cannot hijack the organic industry through a rider on the spending bill.

We need to fix this mistake and restore integrity to our organic standards.

I urge my colleagues to support this amendment.

Mrs. FEINSTEIN. Mr. President, the amendment I offer today would restore fiscal year 2003 funding for the State Criminal Alien Assistance Program, SCAAP, to the level of funding Congress provided in fiscal year 2002.

Specifically, my amendment would provide an additional $315 million in supplemental funding to the SCAAP program, to bring the total fiscal year 2003 appropriation to the same amount that was appropriated in fiscal year 2002—$565 million.

Most of my colleagues have had to deal with the question of illegal immigration. Just the sheer number of illegal immigrants in our country—estimates range from 9 to 11 million—suggests that Federal strategies to curb illegal immigration have failed.

While only a relatively small percentage of illegal immigrants have committed crimes, nonetheless, even that small percentage represents a significant burden on State and local governments, which are forced to apprehend, prosecute, and incarcerate those who prey on our communities.

Today most States are encountering their largest deficits in more than 60 years. Indeed, the fiscal consequences of illegal immigration have contributed to this challenge. In fiscal year 2002, for instance, States and counties incurred more than $13 billion in incarceration expenses. It is the responsibility of the Federal Government to help shoulder the burden that its failures have created. The Federal Government has attempted to alleviate some of that burden by providing $565 million to the States in fiscal year 2002.

Increasingly, States and local counties are relying on SCAAP funding to help supplement their homeland security activities.

Clearly, our local governments would spend the $13 billion they have spent incarcerating criminal aliens on other fiscal priorities, such as homeland security.

The amendment I offer today would not only provide a more equitable level of funding to help reimburse States for the costs they incur for incarcerating undocumented criminal aliens, it would also help free up funds that State and local governments may need for their first responder activities.

Without adequate funding, this fiscal burden will continue to fall on many of our local law enforcement agencies—including sheriffs, police officers on the mean streets, agents of the Drug Enforcement Administration, and district attorneys offices.

At a time when cash-strapped State and local governments are being asked to do even more to protect our homeland, we cannot afford to eliminate vital funding that already falls far short of what local governments spend to incarcerate undocumented criminal aliens.

SCAAP payments have never matched the true costs to the States dealing with this problem, but they have nevertheless been critical additions to prison and jail budgets. They have also symbolized the Federal Government’s obligation to pay for the results of its failed immigration strategies.

Counties and sheriffs offices across the country, and not just those along the border, are very concerned because of the severe cuts in funding this year. I have received letters from county executives in Arizona, Wisconsin, New York, and other States who are facing critical cuts in their law enforcement budgets because of the anticipated shortfall in SCAAP funding.

Those amounts will be cut drastically. I ask unanimous consent that I may submit for the record, a chart comparing the amount of SCAAP money States received in fiscal year 2002 to the amount they will receive with the fiscal year 2003 SCAAP allocation of $250 million.

Our Nation is facing one of the most challenging periods in our Nation’s history. And, we want, to the best extent possible, our constituents to feel secure in their homes and in their communities.

At a time when the Nation is focused on enhancing security within our borders, our States, and our local communities, a vital program like SCAAP should not be vulnerable to being underfunded or eliminated altogether.

The control of illegal immigration is a Federal obligation and we owe it to our States and local communities to provide them with the critical Federal resources they need to continue doing their job.

Therefore, I urge my colleagues to support this amendment.

Mr. KENNEDY. Mr. President, my amendment will include $255 million to help meet the humanitarian and other needs that are already obvious in Iraq and that are likely to mushroom in the weeks and months ahead.

To achieve victory in Iraq, we must not only win the war, but win the peace as well. And we know that in order to do this, we will have to deal effectively from the start with all the serious problems we’ll face in meeting humanitarian needs, establishing law and order, and beginning the reconstruction process there.

For the next six months, to cover the additional costs that are likely to arise in the current fiscal year, the administration has requested $2.4 billion for humanitarian assistance and reconstruction. It’s an essential down payment, and I commend the administration for including this provision.

Many of us on both of the aisle feel that we need to send a strong signal of our willingness to work with the UN in post-war Iraq, and put the recent harsh divisions that erupted in the Security Council behind us.

President Bush said that if military force is required to disarm Iraq, the United States would “quickly seek new Security Council resolutions to encourage broad participation in the process of helping the Iraqi people to build a free Iraq.” He also said that to achieve the goal of a unified Iraq with democratic institutions, we will be “working closely with the international community, including the United Nations and our coalition partners.”

Lately, however, we read stories of a tug of war between the State Department and DoD over who will be in charge of the post-war effort and how. Secretary Powell has said that the UN has “a role to play in many different
ways” and that its involvement is needed to provide “international legitimacy” to the post-war efforts.

As our key ally, Prime Minister Tony Blair of Great Britain said yesterday the post-war effort “should not, in the end, be run by the British, should not be run by any outside force. Iraq should be run, for the first time in decades, by the Iraqi people.”

These are strong statements of the importance of cooperation among our friends and allies in the major challenges facing the region and the world in the aftermath of this war.

They also make good sense. The UN will be essential in assessing, coordinating, and delivering humanitarian aid, and in defusing any rage in the region over a so-called U.S. occupation.

With the resumption of the UN’s Oil for Food program last week, resources will start to become available to meet the food needs of the Iraqi people. However, we still have to meet other needs, such as sanitation, health, shelter, the removal of landmines, and local emergency repairs to help civilians resume their daily lives as soon as possible. My amendment provides an additional $25 million. These priorities include those that prevent illness, disease, and death among the survivors of the war.

It also provides an additional $45 million for law enforcement. The rule of law—and the use of public security to provide safety—is something that we often take for granted. As we learned in Kosovo, and again in Afghanistan, law and order are the indispensable cornerstones for building a functioning society. Without it, everything else takes longer, and costs more. Experts may doubt that Iraq will erupt into major civil conflicts, but most of them do expect local violence, revenge killing, and power struggles if there is no clear transitional force and stable government.

The bill before us contains funds for a civilian police force, but a full judicial team has not been included. This was a significant problem in Kosovo, and it can be avoided in Iraq by paying adequate attention to revising laws so that the effort to bring criminals to justice is not undermined. The immediate presence of a judicial team will assist in expediting this process and begin to establish adequate rules on arrests, detention, trials, and other aspects of a new legal system.

Fair treatment of the people of Iraq in the immediate weeks and months after the war will obviously help to smooth the way to peace and encourage other nations to join in meeting this responsibility.

The final provision of this amendment addresses a separate ongoing need. The Emergency Refugee and Migration Assistance Fund is our global fund for use between refugee and migration emergencies. This program has been funded at $50 million, but its needs continue to outpace the available resources. The United Nations ref

uge agency recently appealed to us for $29 million to assist the refugee emergency in the Ivory Coast and another $29 million to finance the repatriation of Angolans.

The underlying bill provides an additional $100 million, but in the next six months, new demands for these emergency funds are likely for Afghanistan, Sudan, and the Congo. It makes sense to provide the funds now that we already know we will need for this account. With emergency relief, it is not a question of if but when. The amendment will add $25 million to be sure that we have sufficient monies to respond to emergencies on the horizon. As we focus on the humanitarian needs in Iraq, we cannot ignore the refugee crises in Africa and other regions of the world.

We know that the whole world is watching what we do. Reports of mass violence in the Middle East and in other countries should be very troubling to us all. We need to get the Iraq reconstruction effort right the first time. Its importance cannot be underestimated, and we can’t afford to leave it underfunded.

These additional funds are a start, a downpayment on the longer effort. This bill may well not be enough for the very short term of the next six months. Far more will be needed to meet our responsibilities, and to win the peace. We ought to be planning and preparing to meet these responsibilities now.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. STEVENS. I thank all Members for their patience and courtesy. And as the leader said, this is the last vote. We will handle the problem of moving this matter to third reading after this vote. There will be no further votes tonight. Have we adopted the managers’ amendment?

The PRESIDING OFFICER. The question is on agreeing to amendment No. 52.

The amendment (No. 52) was agreed to.

AMENDMENT NO. 435, WITHDRAWN

Mr. STEVENS. Mr. President, according to the Treasury Department, the statutory limit on the national debt needs to be raised. The amendment I offered yesterday would have increased the debt limit so as to avoid the risk of a default. I understand the concerns that have been raised about this amendment by the other side, and I am willing to withdraw the amendment if the majority can be assured that the Senate will pass a free-standing bill to increase the debt limit with the cooperation of the minority and without unnecessary delay, and that there will be no further votes to bring this bill to a vote. I know the distinguished Democratic whip has discussed this with the Democratic leader and others, and I would ask if he is able to give those assurances at this time.

Mr. REID. I would say to the distinguished chairman of the Appropriations Committee that he is correct: I have discussed this matter with the Democratic leader and others, and we are prepared to withdraw this amendment. We are prepared to ensure that the borrowing authority of the Treasury is not impeded, and we appreciate the interest of the Senator from Alaska making certain that the full faith and credit of the United States is never questioned. While we on this side cannot commit to supporting a bill we have not seen, we assure the Senator from Alaska that when a free-standing bill to increase the debt limit in the usual form is brought to the floor, we will work with him to see to it that the bill is passed in a timely and orderly way, without any unnecessary delay. The Senator has our commitment on that.

Mr. STEVENS. I appreciate the cooperation of the Democratic whip, and given this assurance, I withdraw my amendment dealing with the debt ceiling.

Mr. DOMENICI. Mr. President, I rise to address Senator McConnell, the chairman of the Foreign Appropriations Subcommittee, about the Antiterrorism Training Assistance Program, or ATAP.

I note that the supplemental appropriations bill includes $52 million for the State Department to establish the Center for Antiterrorism and Security Training (CAST) in Maryland. These funds were deferred from the Consolidated Appropriations Resolution for Fiscal Year 2003 with the understanding that they would be included in an appropriate vehicle, which is this bill. CAST will be a central training academy for the State Department.

It will be a while before the new center is operational, which makes it difficult for me to understand the actions of the State Department to eliminate and scale back existing antiterrorism training programs that have been successfully carried out by Louisiana State University (LSU) and the New Mexico Institute of Mining and Technology (New Mexico Tech) for the past several years. In fact, LSU has been carrying out this training for the State Department for over a decade. New Mexico Tech has partnered with LSU since January 2000.

The State Department has relocated the Hostage Negotiations Program from New Mexico Tech to LSU, and it has advised New Mexico Tech that it will relocate the Rural Border Operations Course to a facility on a military base in Albuquerque.

Ms. LANDRIEU. Mr. President, I join my colleague from New Mexico in questioning the State Department’s actions on the ATAP training programs. Both
universities and the surrounding communities have made substantial investments in facilities, curriculum, and even diplomacy in welcoming foreign law enforcement officers to their communities and providing them with training courses to help them combat terrorist and other criminal activity. Yet it appears the State Department will pull all ATAP training out of New Mexico Tech by this June. I can only guess that the State Department has similar intentions for LSU in my State.

Mr. DOMENICI. Mr. Chairman, this makes no sense to me as this Nation continues to fight the war on terrorism and is now engaged in a war against Iraq. The antiterrorism training programs are more critical than ever, and they should continue to be carried out at LSU and New Mexico Tech, which have run successful programs for the Department of State for years.

Mr. Chairman, would you agree with me that it would be unwise for our Nation to withdraw current antiterrorism training assistance courses out of LSU and New Mexico Tech during these troubled times?

Mr. MCCONNELL. I would agree with the Senator from New Mexico that this is the most unusual time for the State Department to take such actions. The Foreign Operations Subcommittee has provided significant increases for the ATAP Program through the regular appropriations bill and the supplemental appropriations bill last year, and the President proposes another $106 million for this program, an increase of nearly $42 million above the current level.

I believe these programs with law enforcement personnel from other nations are more important than ever, and there is a significant benefit to the State Department in using the facilities at LSU and New Mexico Tech to continue these training programs. I would urge the Department to continue to carry out these courses at these two universities.

Ms. LANDRIEU. I thank the Chairman for his direction on this matter.

Mr. LEAHY. I can understand the concerns of the Senator from Louisiana and the Senator from New Mexico. I join the chairman of the Foreign Operations Subcommittee in his view that the State Department should continue to carry out ATAP courses at Louisiana State and the New Mexico Institute of Mining and Technology.

Mr. DOMENICI. I thank the Chairman and Ranking Member for their interest in, and assistance on, this most important issue.

Surplus Food Aid to Iraq

Mrs. BOXER. Mr. President, 2 weeks ago Ambassador Wendy Chamberlain of the U.S. Agency for International Development testified before the Senate Foreign Relations Committee that there is a surplus of food available to Iraqi citizens. I am disappointed that the administration has had informal discussions with the Appropriations Committee on how they plan to spend the $2.4 billion in the supplemental for the Iraq Relief and Reconstruction Fund.

After hearing about these consultations with the administration, I am very concerned to learn that there is a surplus in this bill for food aid. Rather, the money that is being requested will be used primarily to reimburse funds that were already borrowed from other fiscal year 2003 foreign operations accounts to pay for food aid or to pay for logistics and distributing costs. It is that the Senate may be working to increase the amount of food aid in this bill and the House version of the supplemental appropriates funds for food aid.

With this food aid, we have a chance to help not only the Iraqi people, but also America’s farmers. Many of America’s farmers are experiencing a surplus of commodities that could provide valuable nutrition to the Iraqi people while alleviating potential crop losses for high quality food products such as rice, beans, raisings, dates, dried fruit and other relatively nonperishable items are familiar foods in that region of the world and would be appropriate for inclusion in this legislation.

I am wondering if the chairman and ranking member of the Agriculture Appropriations Subcommittee could tell me if this additional food aid funding can be used to purchase surplus agricultural commodities, which would both help feed the Iraqi people and benefit American farmers?

Mr. BENNETT. Yes, that use is entirely permitted. I agree that we should do all that we can to help the Iraqi people and our farmers at the same time.

Mr. KOHL. I think that this is an excellent suggestion, and I would support the use of a portion of these funds to purchase surplus U.S. commodities that meet the dietary needs of the affected populations and that are currently authorized for inclusion under these programs.

Mrs. BOXER. I thank my colleagues.

Mr. KERRY. Mr. President, we are currently engaged in a war with Iraq. I strongly believe that our military must have every resource at its disposal to fully prosecute and win this war. I support the Senate fiscal year 2003 supplemental appropriations bill that provides funding for the military functions of the Department of Defense as it prosecutes the war in Iraq. The bill also includes funding for the reconstruction efforts in Iraq and funding to continue our anti-terrorism efforts. However, I am disappointed that the bill does not provide adequate funding to protect our homeland.

The bill provides more than $62 billion to prosecute the military operations in Iraq, including replenishing munitions that have been expended and maintaining ground and sea operations critical to our war effort. It also provides more than $7.8 billion to support the reconstruction of health services, sanitation, transportation and telecommunications for the people of Iraq.

I also support the additional funds included in this bill to increase airline security. The bill provides $1 billion to reimburse airline security costs, $100 million to assist airlines in upgrading cockpit doors, and $375 million for airline operating and capital costs. I believe that this funding will help maintain the flying safety of the American public.

I am grateful to both Chairman STEVENS and Ranking Member BYRD for providing $150 million to the Department of Veterans Affairs for health care services to veterans of the Iraq war. I worked with Senator GRAHAM on an amendment to help pay for the health care of returning service members who are released from the military. We are not meeting our promises to our veterans. The VA has consistently received inadequate resources to meet rising medical costs and a growing demand for its health services. This funding crisis has forced the VA health care system to resort to fixes, such as discontinuing outreach activities in an effort to reduce enrollment and instituting new regulations that require the rationing of health care. This veteran’s health care crisis has been exacerbated with the recent announcement that the VA would provide free medical services to all veterans of the Iraq war for 2 years. The additional funding included in the supplemental is crucial to insure that current veterans not receive a further reduction in health benefits.

While this legislation contains an acceptable level of funding to help prosecute the war with Iraq, I am deeply concerned that this legislation does not meet our Nation’s homeland security needs. Vulnerabilities exist in our homeland and security infrastructure, and we should not squander a single day addressing them. An independent task force, chaired by former Senators Gary Hart and Warren Rudman, recently advised that “America remains dangerously unprepared to prevent and respond to a catastrophic attack on U.S. soil.” We must act to ensure that the Federal and State agencies needed to better protect our borders, coastlines, cities, and towns have sufficient resources to do so.

The bill includes approximately $4.6 billion for increased border and maritime security to assist State and local governments in protecting our cities and our critical infrastructure from terrorism. But I believe that more should have been done to protect our homeland from the risk of terrorism. That is why, I think that an amendment offered by Senator SCHUMER which would have provided $3 million in additional funding for first responders and $1 billion for security in high-threat areas.

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the vulnerabilities that we know exist in our port security. I am deeply disappointed that the Senate has thus far provided insufficient funding to address these problems. I strongly supported a Hollings amendment that would have provided $2 billion for port security and to screen vessels for radioactive materials.

I also support an amendment offered by Senator Boxer that would provide $30 million to the Department of Homeland Security for research, development and initial deployment of technology to protect commercial aircraft from the threat posed by stinger missiles.

While I missed the votes on these amendments, I was recorded in support of each in the RECORD.

We must continue to fight both the war with Iraq and the war against terrorism and funding for these programs is a necessary component of that fight.

Mr. LEVIN. I am pleased that this supplemental appropriations bill contains language proposed by Senator Stabbing himself that will increase security inspections of trucks hauling municipal solid waste into Michigan from Canada. At a time when we are increasing security measures at all levels to protect our citizens, it doesn't make sense to allow 130 to 140 truckloads of waste cross into Michigan every day from Canada without inspection.

On January 1, 2003, the city of Toronto began shipping all of its municipal solid waste trucks, citing security concerns. At this time, trucks from the Canadian side that were crossing the Ambassador Bridge were inspected. However, as of September 11, the truck inspections were reversed.

Even though Customs recently issued a memo announcing that it would increase security measures for municipal solid waste trucks, citing security concerns, a letter was sent in September. Nevertheless, the decision was reversed on February 7, 2003, the same day that the Homeland Security national threat level was raised to level orange. Therefore, these trucks will continue to be treated as a low-risk commodity, which will allow these drums carrying tons of municipal solid waste to cross the Michigan-Canadian border with minimal scrutiny.

Our amendment, that has been included in this bill, will ensure that these trucks are inspected before they cross the Ambassador and Blue Water Bridges. Further, the amendment provides that the Blue Water Bridge will receive radiation detection equipment by May 1, 2003.

We cannot take the chance that harmful materials will be transported into Michigan on one of these trucks. Our amendment will help to prevent that scenario by ensuring the inspection of these municipal solid waste trucks at the border.

Mr. JEFFORDS. Mr. President, reluctantly, I am voting for this supplemental appropriations bill to provide funding for homeland defense and our military campaign in Iraq. Like it or not, the war is on and we owe it to our men and women in uniform to provide them with the resources necessary to bring the war to a rapid and successful conclusion.

We have known for more than a decade that Saddam has chemical and biological weapons, but there has been little concern that these weapons pose a direct threat to the United States. Since coming to office, this administration has raised the specter that Iraq also has been developing nuclear weapons capable of causing great harm to the United States. It has focused a great deal of America's intelligence assets on the question of Saddam's capabilities, yet the administration has not presented any evidence of an active nuclear program. In fact, one of the key pieces of evidence provided to the administration turned out to be a forged document.

Moreover, International Atomic Energy Agency experts rejected the administration's assertion that the aluminum tubing in Iraq's possession was evidence of a nuclear program. Two months of intrusive inspections by U.N. inspectors turned up no additional evidence of new Iraqi possession or production of weapons of mass destruction. In the end, the administration has failed to demonstrate that possession of such weapons would pose an imminent threat to the United States.

My concerns with the administration's course of action are long-standing and public. I voted against the resolution to give the President the authority to go to war because I did not believe that the threat posed by Iraq was imminent. I do not believe that the administration should have abandoned the U.N. inspection regime. Its inspectors were on the ground in Iraq and achieved concrete results in actively disarming Saddam's regime. Instead of allowing the inspection process to continue, the administration turned its back on international institutions and relationships built up over many decades and pursued a unilateralistic course of action with a narrow coalition of allies.

As we all know, the military campaign in Iraq is now at a critical juncture. With countless examples of Saddam's troops using the Iraqi population as human shields, the prospect of devastating consequences looms with the impending battle for Baghdad. In recognition of this fact, Gen Richard Myers today suggested that the United States military, while consolidating its encirclement of Baghdad, might attempt to isolate Saddam Hussein and cut off his communications with the rest of Iraq without bringing the military campaign into Baghdad. I urge President Bush to seize the opportunity to turn to the international community, whether it be the United Nations or the Arab League, or any other suitable or appropriate entity, to make one last effort to seek the removal of Saddam Hussein and his cadre of supporters. Time is fleeting, but I believe we must make this effort prior to exposing American lives, and the lives of thousands of innocent Iraqis, to the potential devastation of a door-to-door campaign in the streets and houses of densely populated Baghdad. Accordingly, I call on the administration to hold off for a period of 3 to 4 months or so on the invasion of innocent Iraqis.

President Bush campaigned for President on a pledge that America would be humble in its relations with other countries. However, on issue after issue of critical international importance, the Bush administration has governed in a very different fashion. It rejected the Kyoto Treaty, despite years of negotiation and worldwide agreement on the dangers of global warming. It has failed to join worldwide efforts to bring into force the Comprehensive Nuclear Test Ban Treaty, despite the critical dangers posed by the spread of nuclear weapons technology. Instead of capitalizing on a Russian desire to reach agreement on deep cuts in nuclear weapons, and ensuring that Russian nuclear materials never fell into the hands of America's enemies, the President allowed his distaste for arms control to preclude agreement on real cuts in nuclear weapons. Since we got the charade called the Moscow Treaty, a treaty that fails to remove even one nuclear warhead from either country's arsenal.

A decade ago, the United States went to war with the United Nations' blessing, a united NATO, and a broad, diverse coalition of nations by its side. Today, the United States is at war without U.N. support, in the face of direct opposition by 150 allies, and with only a smattering of other major nations aligned with it. A decade ago, America's Gulf War allies joined in the military action and funded the bulk of the war effort. Today, the administration has been forced to open the vault, offering untold tens of billions of dollars to enlist the support of allies that traditionally have stood by our side. And I am afraid the American people will be left picking up the tab for both the military operation and the rebuilding of Iraq.

I urge the President to take this opportunity to avert more bloodshed and
to involve the international community in the Iraqi end-game and the critically important job of rebuilding the political and economic infrastructure of Iraq.

Mr. REID. Mr. President, I rise to support this important bill that will provide $60 billion for our troops in Iraq. I am especially proud of the Nevada sons and daughters who have been deployed to the Middle East as part of Operation Iraqi Freedom. As many of you know, Nevada has the finest military aviation training facilities in the world.

Nellis Air Force Base and Fallon Naval Air Station train the aviators serving on the front lines of this battle. Hundreds from Nellis—pilots and other mission critical personnel—are right now serving on the front lines. Hundreds trained at Fallon are there too. When you see those Navy fighters taking off from carriers in the Gulf, chances are they were trained at Fallon.

Nevada's Guard and Reserve troops are also playing a significant role. Nevada's percentage of Guard and Reserve call-ups and deployments has been one of the highest in the Nation. I understand Nevada may have been called up. They are talented. They are heroes. When this action started, I promised to do everything in my power to ensure that Congress fully funds and supports the needs of our troops as this conflict proceeds. This bill provides more than $60 billion to make good on the commitment that my colleagues and I made to support our troops.

I am also encouraged by the efforts the administration made to provide additional funds for protecting our frontline defenders here at home—the emergency responders we depend on to respond to a terrorist attack. I believe we could have done more to give cities and counties in each of our states the resources they need to ensure our homeland is as secure as it can be. I am pleased that we were able to add an additional $150 million for securing nuclear materials at home and abroad. This amendment will provide additional resources to keep terrorists from getting the ingredients they need to make a dirty bomb. I want to thank my colleagues for completing this bill in a timely manner to help our troops as they help bring freedom to the people of Iraq.

Mr. STEVENS. Do we have the yeas and nays on final passage? I am too tired. We are going to third reading. We are finished. I am going to do that right now. We are done.

Mr. President, I ask unanimous consent that following the passage of S. 762, the bill be held at the desk; provided further that when the Senate receives the House companion bill to S. 762, the Senate proceed to its consideration thereunder; further the action clause be stricken, the text of S. 762, as amended, be inserted in lieu thereof; provided further the bill then be read for a third time and passed, the motion to reconvene be laid upon the table, the Senate then insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate; finally, I ask unanimous consent that passage of S. 762 be vitiated and it be placed back on the calendar at that time and that the conferees be the entire Appropriations Committee.

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

Mr. STEVENS. Parliamentary inquiry: There is no further business to be had on that bill; right?

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. Good night, ladies and gentlemen.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, as amended, pass?

The yeas and nays have been ordered. The clerk will call the roll.

Mr. FRIST. I announce that the Senator from Kentucky (Mr. BUNNING), the Senator from New Mexico (Mr. DOMENICI), and the Senator from Kentucky (Mr. MCCONNELL) are necessarily absent.

I further announce that if present and voting the Senator from Kentucky (Mr. MCCONNELL) would vote "yes".

Mr. REID. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting the Senator from West Virginia (Mr. BYRD) and the Senator from Massachusetts (Mr. KERRY) would each vote "aye".

The result was announced—yeas 93, nays 0, as follows:

[Roll Call Vote No. 125 Leg.]

YEAS—93

NAYS—0

Roberts
Rockefeller
Santorum
Spector
Schumer
Sessions

Shelby
Smith (OR)
Snowe
Stabenow
Stevens

Sununu
Talent
Thomas
Voinovich
Warner
Wyden

Bunning
Byrd
Domenici

Inouye
Kerry
Lieberman
MCCONNELL

NOT VOTING—7

Mr. REID. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I announce for Senator BYRD that at the time of final passage, he was necessarily absent, but if Senator BYRD had been here, he would have voted aye.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I ask unanimous consent that it be in order for the chairman and ranking member, with the concurrence of both leaders, to be permitted to make technical and conforming changes as necessary to the supplemental appropriations bill. The bill was put together pretty quickly, and we want to do it carefully. We have cleared this with both leaders and with both sides of the aisle.

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

Mr. WYDEN. Mr. President, of course, the debate throughout the day has been about the wise use of taxpayers' money. Yesterday in the Wall Street Journal, there was an article entitled "USAID Defends Secret Bids to Rebuild Iraq." At the same time, there was an article in the Washington Post entitled "Contracts to Rebuild Iraq Go to Chosen Few. No Bidding War on Contracts in Iraq."

Mr. President, I ask unanimous consent that these two articles be printed in the RECORD.

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

"From the Wall Street Journal, Apr. 2, 2003"

THE ASSAULT ON IRAQ—USAID DEFENDS SECRET BIDS TO REBUILD IRAQ

NATIONAL SECURITY IS CITED AS REASON FEW FIRMS KNEW OF $1.7 BILLION IN CONTRACTS

WASHINGTON—Amid worries that preparations aren't moving as fast as hoped, a top procurement official defended the government's decision to approach only a handful
of U.S. companies to help rebuild postwar Iraq.

The U.S. Agency for International Development chose to put the bids in secret to a limited number of companies under an exception that allows agencies to by-pass the usual competitive bidding for national security reasons, said Timothy Beans, the agency's chief of procurement.

"Anytime you are in wartime condition you don't have the four or five months to go out on the street for the kind of competition you'd like," Mr. Beans said.

But procurement officials for DOD's chief of procurement said the plan for preselected bidders for war reconstruction work as early as late January, when the possibility of going to war with Iraq was still being hotly debated at the Pentagon. Requests for proposals went out for four contracts in mid-February, with two more early last month. Altogether, the work—including rebuilding highways and bridges and rehabilitating Iraq's school system—is expected to cost at least $1.7 billion.

Similar exceptions were made for reconstruction contracts in Bosnia, where U.S. military on big projects in foreign hot spots.

Mr. Beans said the plan was to "depart from the old process" and hold a "brief competition" to choose companies that would bid on the reconstruction contracts. "We're not just going to pick a company," he said.

"We have been at odds with Saddam Hussein. But contractors for this important work,'" Mr. Beans said. Halliburton—an offshoot of Houston-based energy services company- had long-standing ties to the military get a prime contract to rebuild Iraq's infrastructure, but "remains a potential subcontractor for this important work.,"

"Bechtel and Parsons Corp, which has teams with other bidders. People involved in the bidding say the lead competitors are Bechtel Group Inc., Louis Berger Group and Parsons Corp. That contract, for at least $900 million, could be awarded as soon as today. The government is proposing to spend $2.4 billion on humanitarian aid and reconstruction in Iraq.

Halliburton plans to put KBR and another subsidiary into bankruptcy protection this summer as part of a plan to settle outstanding asbestos-related claims for about $4 billion. But KBR's government operations aren't part of the bankruptcy case. Some government contractors experts said the latest KBR award shows how companies with long-standing ties to the military get big contracts. KBR has been building ships, mess halls and toilets at bases around the world for six decades, said Schooner said the Cheney connection to Halliburton should not be an issue. But, he said, the non-competitive nature of awarding the Iraqi reconstruction contracts has made it one.

"Had these contracts not been awarded in a secretive manner it would be easier to cut off the questions earlier," he said.

Mr. WYDEN. Mr. President, suffice it to say, the Senate missed an opportunity tonight to stand up for openness and competition in contracting and to make sure there was an opportunity to spend prudently on the effort to rebuild Iraq. It seems to me that too much taxpayer's money at stake in rebuilding Iraq to allow Federal officials to use a secret process to handpick companies to do this work. There ought to be an open and full and competitive process to ensure the prices charged are reasonable and the contractors selected are the most qualified.

Senator COLLINS of Maine and I worked for 48 hours on a bipartisan basis to make it possible to offer an amendment that would ensure that there be real openness in contracting and that there be an effort to make sure that the billions of dollars that are going to be spent rebuilding Iraq be part of a contract process that is governed by competition.

It is a very simple proposition. We ought to make sure it is out in the open, it is transparent, that the public can see what is going on, and that contracts should not just go to a handful of companies without competition and influence, particularly in this city.

Unfortunately, because of an objection, that amendment was not added tonight. I come to this floor to say that I intend to keep coming back until the Senate stands up for openness in Government contracting and competitive bidding so that the taxpayers' money is used well.
That is not what is happening with $1.7 billion worth of contracts for rebuilding highways and bridges and rehabilitating Iraq's school system. Recently, the U.S. Agency for International Development handpicked a select group of companies to participate in a secret bidding process for awarding four separate contracts totaling $1.7 billion. That is just one example of what is ahead with respect to how taxpayers' money is going to be used.

In the past, the General Accounting Office has been very critical of this kind of approach. The General Accounting Office has found that contractors had not done enough to contain costs on projects involving engineering support in areas where the military was involved.

According to a September 2000 report by the General Accounting Office, Federal officials said:

Frequently, they have had accepted the level of services provided without questioning whether they could be provided more efficiently and more frequently and at lower cost.

What could be more important for this country than competition? What could be more important than to make these contracts involving billions of dollars be let in a way that is efficient and open?

The current plan to select contractors for construction work in Iraq without competitive bidding creates the potential for more of the same, more of the same where noncompetitive contracting work is conducted by the Federal Government and we have a repeat of the overpriced contracts and less acceptable services that come about when contracting is not competitive.

Given the enormous sums of taxpayer money that will be involved, there ought to be competitive bidding across the board. Certainly there ought to be competitive bidding unless someone shows a compelling national security reason to do otherwise. I am of the view that if Federal agencies are not going to use full and open competition, at a minimum they ought to have the burden of demonstrating why competitive bidding is not the proper way to avoid the contracts.

Senator Collins and I wanted, tonight, with the very helpful counsel of Senator Clinton of New York, who also worked in this area, to offer an amendment to require the Federal agencies to make public the documents used to justify their decision to waive the normal requirements for open and fully competitive bidding. Think about that proposition. Heaven forbid we actually make public the documents that describe why we are not having competitive bidding. That strikes me as a very modest step when you are talking about billions of dollars' worth of taxpayer money.

But because there was an objection tonight, now we are not going to have the refusal to go forward with competitive bidding even made public. It seems to me the way to make sure the taxpayers get the best value for their money and we have companies that compete for this work is to make sure that the standards for exempting contracts from competitive bidding are stringent and designed to protect the needs of taxpayers and the national security.

Our amendment would have required agencies to make the justification and approval process used if you were to have a contract exempt, public. And it would ensure we have full and vigorous competition and would have required other Federal agencies to make their justifications public before they entered into any contracts to rebuild Iraq.

I don't think the Senate wants to sit by and see these kinds of articles in our newspapers day after day: USAID Defends Secret Bids to Rebuild Iraq. Contracts to Rebuild Iraq Go To Chosen Few.

Unless we have the Wyden-Collins bipartisan amendment to open up this process, to promote competition, to have full disclosure, we are going to have articles like this in our newspapers day after day after day. It is going to contribute to the cynicism and frustration that taxpayers have in this country with respect to how their money will be used. It will be a long year. We are going to see these articles again and again.

I intend to come back to the Senate and stay at this. I wanted to make sure we would have a bipartisan amendment on this effort and worked very closely with the bipartisan leadership throughout the day. I thought we were there. I thought we had this amendment in a fashion acceptable to both sides. It is very regrettable it has not been accepted. I will continue to work with my colleagues. The taxpayers of this country ought not to be angry about this kind of process used to let contracts.

Certainly, if there is a national security reason or some sort of contract that requires an expedited arrangement, that needs to be treated in a way that protects our national security. That is not what is going on here. What we are seeing is businesses in Missouri, Oregon, Maine, and across the country not being part of the privileged circle. A lot of businesses are going to be angry and they ought to be angry about this kind of process used to let contracts.

What is going on now is bad for business, it is bad for competition, it is bad for taxpayers, and I think it is bad for national security. I don't think we will get the most for our money if we continue to have the contracts, as the papers say, go to a chosen few.

The Senate made a mistake. It is particularly unfortunate because two Senators worked for months in a bipartisan way to try to prevent the things we have seen in the last few days from happening again and again. It will happen again and again. That is why I intend to come back to the Senate. It is unfortunate there was an objection tonight to our bipartisan legislation.

I look forward to seeing the Senate in the days ahead stand up again on a bipartisan basis for a process that is open, a process that promotes competition, that is good for taxpayers, good for business, and good for our country.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

MORNING BUSINESS

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

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

DANIEL PATRICK MOYNIHAN

Mr. WARNER. I join all those who had the privilege to serve with our late colleague, Senator Patrick Moynihan. Of the 24 years I have been here, 22 were spent with him. While my heart has sadness, it is filled with joy for the recollections of a wonderful friendship and working relationship we had in the Senate.

We shared a deep and profound love for the U.S. Navy. He served from 1944 to 1947 and was a commissioned officer. I served from 1946 to 1947 as an enlisted man. Whenever we would meet, he would shout out, 'Attention on deck.' I would require me to salute him as an enlisted man properly salutes an officer. Then he would turn around and salute me, as I was once Secretary of the Navy, and he was consequently, at that point in time, outranked.

That was the type of individual he was. He filled this Chamber with spirit, with joy, with erudition, and he spoke with eloquence. We shall miss our dear friend.

I recall specifically serving with him on the Committee on Environment and Public Works, of which he was chairman for a while. He had a great vision for the Nation's Capital. Some of the edifices we enjoy today would not have been had it not been for this great statesman. The landmarks would not be there had it not been for him. I am talking about the completion of the Federal Triangle. The capstone, of course, is the magnificent building today bearing the name of our President Ronald Reagan.

He was a driving force behind the completion of that series of Government buildings started in the 1930s, under the vision of Herbert Hoover and Andrew Mellon. They were great.
friends. They wanted to complete that magnificent series of buildings, but the Depression came along and the construction stopped. Pat Moynihan stepped up and finished.

Many do not know that in Union Station, the greatest deco for transportation, a transportation hub—we have rail, the bus, and we have the subway. Pat Moynihan was the one who saved that magnificent structure for all to enjoy for years to come. I suppose the capstone was the Judi-cialy Building. I remember full well how he came before the committee and expressed the importance for the third branch of Government to have its administrative offices and other parts of that branch of the Government encased in a building befitting the dignity that should be accorded our third branch of Government. That building marks his genius.

In improving transportation, he was key in the Surface Transportation Act that provided so much return to the States for their transportation needs, again, as chairman of Environment and Public Works.

He had a strong commitment to addressing the problem of urban sprawl and was a strong supporter of the Appalachian Regional Commission which touched the States of West Virginia, Virginia, and others.

We are grateful to him. He under-stood the need to do a few things. I said goodbye to this dear friend. I salute him. I will always have joy in my heart for having served with this man who, in my humble judgment, had the wit, the wisdom, and the vision of a Winston Churchill.

Mr. SARBANES. Mr. President, when Pat Moynihan retired from the Senate in 2000, following four terms of devoted and distinguished service to the citizens of New York and indeed of the Nation, he left a great void; now, with his death, that void is greater void than ever. I will paraphrase Thomas Jefferson, speaking of Benjamin Franklin when in 1784 he took Franklin's place as the Ambassador of the new American Republic in Paris, others may succeed him in the many different roles he played in our national life, but no one will ever replace him.

No simple category was ever capable enough to accommodate Daniel Patrick Moynihan. With justification he has been called an intellectual, a scholar, an academic, an author, an editor, a politician, a diplomat, and a statesman. He has been known variously as a scholarly politician and a political-minded scholar; certainly as Nicholas Lemann has observed, "he was more of a politician, by far, than most intellectuals." He was a fierce partisan of cities and the urban landscape, but he was equally devoted to the urban and rural spaces of his State of New York today as in the past. He was a quintessential New Yorker. He is a proud citizen of this capital city, where he and Liz, his wife and partner in every endeavor for nearly 50 years, chose to live at the very center. He was at home in academic communities wherever he found them. He was equally expert in domestic and foreign policy.

Pat Moynihan grew up poor, and never, ever forgot the grinding, corrosive effects of poverty; many years removed from poverty himself, he characterized tough bankruptcy reform legislation as "a boot across the throat" of the poor. As a child he earned money by shining shoes; later he worked as a longshoreman. He served in the U.S. Navy. He went to college courtesy of the G.I. bill, earning his B.A. from Tufts University and his M.A. from Tufts' Fletcher School of Law and Diplomacy. Some years later he earned his Ph.D. in international relations at Syracuse University, but only after spending a year as a Fulbright Scholar at the London School of Economics and working for a time in the office of the Governor.

From the time he left Syracuse for Washington in 1961 until he ran successfully for the Senate in New York in 1976, Pat Moynihan held a challenging succession of positions in public service. Although over the years Pat represented New York in the Senate his colleagues became accustomed to that versatility, in retrospect it appears astonishing. He joined the Labor Department in 1961, eventually becoming Assistant Secretary for Policy Planning, but left in 1965 to become director of the Joint Center for Urban Studies and a professor in the Graduate School of Education at Harvard. Four years later he returned to public life as an assistant to the President for urban affairs, only to return the following year to Harvard, only to be called upon to serve as the U.S. Ambassador to India and then to the United Nations. In those 15 years he served in four different administrative positions.

In every one of them he served with distinction and his accomplishments—many of them considered controversial at the time—are remembered respectfully today. They will not soon be forgotten.

New York's voters first sent Pat Moynihan to represent them in the Senate in 1976, and returned him every 6 years for three additional terms; he declined to run again in 2000, after 24 years in the Senate. In coming to the Senate, he had come home. He set his sights quickly on the Finance Committee, with its vital jurisdiction over Social Security, Medicare, and other social programs. In his third term he rose to the chairmanship of the Finance Committee and shepherded through to enactment ground-breaking legislation, the Louise DuPont Crowinshield Award, its highest honor, noting, "The award is made only when there is indisputable evidence of superlative lifetime achievement and commitment in the field of conservation and interpretation of the country's historic architectural heritage." Everyone who walks along Pennsylvania Avenue in this city or through New York's Pennsylvania Station is forever indebted to Pat Moynihan. He procured the necessary funding to save Louis Sullivan's Guarantee Building, in Buffalo, and promptly moved his district office into it. In his brief chairmanship of the committee he shepherded the Northern Ireland peace processes, and ground-breaking legislation, the Intermodal Surface Transportation Efficiency Act of 1991, ISTEA, which recast our thinking about surface transportation.

Pat Moynihan's formal academic training was in foreign policy. Here he will be remembered for his effective ambassadorship to India, his forceful and principled representation of United States interests in the U.N. Security Council and his early commitment to Northern Ireland, whose families had come to this country from Ireland, worked tirelessly together in support of efforts to bring peace and conciliation to Northern Ireland, and especially to steer United States policy in that direction. That Northern Ireland is no longer torn apart by violence is in some significant measure due to their efforts.

Once we have catalogued all Pat Moynihan's many accomplishments, however, there remains the man himself. In everything he did he remained a teacher, with an amazing capacity to instruct and to inspire. He believed, with Thomas Jefferson, that "Design activity and political thought are indistinguishable"—an elliptical idea to many of us, until we find ourselves in the presence of the architectural monuments he helped to protect from every undertaking an extraordinary historical perspective, and an astute appreciation of what he called, in his commencement address at Harvard just a year ago, our basic constitutional mission. It is difficult to know how to honor our former colleague, Senator Daniel Patrick Moynihan, for his lifetime of service and his legacy. In the
end, our best tribute will lie not in the words of remembrance we speak but rather his tangible achievements and his legacy. The best tribute we can pay is not the words we speak but rather in our rededication to the principles for which he fought.

Mr. COCHRAN. Mr. President, the Senate was enriched enormously by the services of the late Senator from New York, Daniel Patrick Moynihan. He was respected and respected for his intelligence, his sense of humor, his seriousness of purpose, and the warmth and steadfastness of his friendship.

His death last week saddened this Senator very much. His funeral services at St. Patrick's Church here in Washington last Monday attracted a large crowd of friends, former colleagues, and staff members as well as his attractive family. This manifestation of friendship reminded me why Pat Moynihan was such a successful public official. He liked people, and they liked him.

He took his job as U.S. Senator from New York very seriously. He worked hard for funding for the New York Botanical Garden. He was also an active and effective member of the Board of Regents of the Smithsonian Institution where it was my good fortune and pleasure to serve with him.

He transformed the City of Washington, D.C. through his determined efforts to enhance the beauty and protect the architectural integrity of Pennsylvania Avenue.

His scholarly articles and books on the social, cultural and social history of our nation were informative and influential. The correctness of his assessment of the importance of the family unit in our society changed our attitudes about the role of federal government policy.

His influence was also felt on tax policies as a member of the Senate Finance Committee.

I convey to all the members of Pat Moynihan’s family my sincerest condolences.

A NEW WAVE OF FALLEN HEROES

Mrs. FEINSTEIN. Mr. President, I rise today to pay my respects to four more Californians who have died in combat in Iraq, as well as to nine other Americans who were stationed in California and have made the ultimate sacrifice in our efforts to liberate the Iraqi people.

So far, of the 44 Americans who have died, 10 were from California, while an additional 21-year-old marine was killed before he could take an oath of allegiance to the country he died fighting for.

LCpl Patrick T. O’Day: One of these was 20-year-old Patrick O'Day, who was born in Scotland and came to the United States when he was just 3. He learned to read around the same time and quickly impressed his family and surprised his kindergarten teacher.

He was captain of the wrestling team at Santa Rosa Middle School and a 2001 graduate of Santa Rosa High School, where he met his future wife Shauna. They were married in October of last year, and they are expecting their first child in September.

His brother, Thomas, said that Patrick was “always someone that could make anyone in the room laugh. When he came into a room, everyone knew he was there. He could change the atmosphere very quickly.”

He had just so much fun to be around.”

PVT Francisco A. Martínez Flores: Francisco Martínez Flores was also in the tank that plunged in the Euphrates River. He was born in Guadalajara, Mexico, and settled in Duarte, CA, when only a little boy.

He attended Maxwell Elementary School and graduated from Duarte High School in 2000, where he was a popular and outgoing football player with a passion for fixing up old cars.

He had expressed a desire to be “a great soldier” ever since he was a young boy. “[The Marines] returned to me a true man,” said his mother, Martha, who had gone back to Mexico to bury her son, where he was deployed to the Gulf. She never had the opportunity to say goodbye.

Francisco Martínez Flores was to become a U.S. citizen in 2 weeks. But the 21-year-old marine was killed before he could take an oath of allegiance to the country he died fighting for.

LCpl J esus Suarez del Solar: J ust 20, Cpl Suarez had already served in Afghanistan, and was ready to returning to combat, this time in Iraq. This past December, he had proposed to his longtime girlfriend, Emy. They had a baby boy, Erik.

“I’m very proud of J esus,” said his father, Fernando. “I want Americans to know that immigrants that came to the United States, we did not come to take their jobs. We came here to give them our blood, so they can have freedom and they can have a world free of terrorism. That’s why my son died.”

Known as something of a charmer and every day he graduated in 2001 from Valley High School, in Escondido, a town about 30 miles north of San Diego. His principal, J anice Boeder, said that “J esus wanted to become a marine from the time I met him, as a junior in high school. He was just a wonderful kid with maturity beyond his years.”

“He was so excited about being a part of the infantry and the Marine Corps,” “I never told him to build a solid life around the Marine Corps. . . . Once, he gave a presentation to a class. He always had a big smile on his face.”

GySgt Joseph Menusa: Born in the Philippines, Joseph Menusa came to the United States when he was 10 and grew up in San Jose. A veteran of the first Gulf war, he was killed in battle on Thursday, March 27. He was a graduate of Silver Creek High, Class of ‘89.

He was working his way up the ranks and was in the process of gaining his U.S. citizenship when he received his deployment orders to the gulf.

On the eve of his deployment, Sgt Menusa told his wife Stacy why he had to go. “He said he was in charge of the young kids, and he was the only one who had ever seen combat. He needed to be their guide.”

Capt Tuan Pham, who was born in Vietnam and worked with Sgt Menusa as a Marine recruitment officer in San Francisco, had this to say about his friend: “We are both naturalized Americans and believe in the ideals of what this country represents. He paid the ultimate price for something we all believe in—freedom.”

Of those Americans stationed in California, most were from the 1st Marine Expeditionary Force based at Camp Pendleton, in San Diego County. While from all across the country, these men were so much a part of the local community, where the mood is somber, yellow ribbons are everywhere, and the flags at half mast. I would also like to commend the local newspaper, the San Diego Union Tribune, for doing an impressive job of providing much of the information on those stationed at Camp Pendleton.

Lt Theryl S. Childers, Harrison County, MS: While most youngsters pick a new career more often than they graduate in high school, the son of a Navy Seabee, first decided he wanted to be a marine when only 5 years old.

He joined the Marines a month after he graduated from high school; they sent him to college and promoted him. 25 years after he first glimpsed his future, Second Lieutenant Childers was fatally injured on a battlefield in Iraq.

“We’re proud of him,” his mother said from her Powell, WY, home. “He died doing what he believed in.” He approached his life with a unique intensity that made him successful both in his career and in the classroom.

His professors at The Citadel, in Charleston, SC, saw the dedication
that made him a good marine. "When he decided to study French, he wanted to speak French perfectly," said one of his professors, Guy Toubiana. "It really bothered him if he was making a couple of mistakes."

His friends sometimes made him the butt of jokes, but somehow he remained a likable guy, perhaps because he maintained his sense of humor. And despite his military surroundings, he still had a sensitive side. "He was very warm," Toubiana said.

The year-round and his limited free time climbing mountains, running road races, and mountain biking. Perhaps he was most proud that marine friends remember him as someone they could count on.

John Bacon, who met Childers at The Citadel, said Childers would always show up to help lift a heavy sofa on moving day. "He was a type of person that would never let you down," Bacon said. He said he lost a great man.

Marine Cpt Ryan Anthony Beaupre, St. Anne, IL: Cpt Ryan Beaupre, who was single, abandoned an accounting career to join the Marines in 1996. "He always wanted to fly, but his parents told them he could do more as a marine," Themer said.

Beaupre lived in an Encinitas apartment overlooking the sea, where he often surfed, said neighbor Ron Holdsworth. He remembers a comment the marine made after military helicopters flew by their building one day. "At the time, we were in Afghanistan fighting, and he said, 'The thing about being a marine is you know when your brother marines are fighting, you can't sit still, you want to go help them.'" Navy Hospital Corpsman Michael Vann Johnson, Jr., Little Rock, AR: Navy corpsman Michael Vann Johnson, Jr., was killed Tuesday while tending to a marine wounded in battle in Iraq. He was hit in the head by shrapnel from a grenade and fatally injured, his brother marines are fighting, you can't hold two younger brothers and his parents in Brooklyn. According to his mother-in-law, Debra Gentry, "He was one of the sweetest, kindest guys. He always put himself last."  

SSgt Kendall Damon Waters-Bey, Baltimore, MD: A specialist in helicopter maintenance, 24-year-old Kendall Damon Waters-Bey was assigned to the Marine Medium Helicopter Squadron-268, 3rd Marine Aircraft Wing. Waters-Bey was among four United States Marines and eight British soldiers killed when his Humvee overturned into a canal and he drowned. Along with his wife, White leaves behind two younger brothers and his parents in Brooklyn. According to his mother-in-law, Debra Gentry, "He was one of the sweetest, kindest guys. He always put himself last."

"He provided medical care right up to the time he was killed," said Doug Sayers, spokesman for the San Diego Naval Medical Center, where Johnson had been treated. "A big help is that he was right in the soul of the clinic down there," Sayers said.

Johnson's mother Jana Nurse said she had recently received a letter from her son saying that he was going to be all right. She said he wrote that "God had twisted a guardian angel around him."

Marine Cpl Brian Matthew Kennedy, Houston, TX: "He gave his life in an effort to contribute to the freedom of the Iraqi people," said Ronald Zeman, dean of students and a math teacher during Nave's years there. "The whole Waterford Kettering staff was proud of him. To have something like this happen, it really hits one."

After high school, Nave went to the University of Michigan on a Reserve Officer Training Corps scholarship. He graduated in 1989 with a degree in political science and entered marine officer's school immediately after college, said T.J. McCullough, a high school classmate and ex-marine. According to T.J. McCullough, a high school classmate and ex-marine, "He was a wonderful man."  

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making people laugh," said his sister Michelle.

The oldest of five children, 29-year-old Waters-Bey had been living in California with his wife of 11 months, Angela, who serves in the Navy. He also leaves behind a 18-year-old son from a previous marriage.

Maj Jay Thomas Aubin, Waterville, ME: An 18-year marine veteran, 36-year-old Maj Thomas Aubin was an instructor with Marine Aviation Weapons and Tactics Squadron 1 in Yuma, AZ. He served in Operation Desert Storm and refused to fully comply with the agreements signed by his government.

Aubin's hometown was Waterville, ME, where he was the first of 30 grandchildren in a family that has been in that state for generations. "He was a very determined little boy," said his aunt, Kim Willette of Winslow, ME. "He had big dreams. He always wanted to fly planes and knew he was going to, just like his dad—a private pilot. Jay would fall asleep in the back seat of the Cessna." "There's no way to soften the blow," his aunt said. "He prepared us for this all the time," she said. "But that doesn't make it any easier."

He is survived by his wife Rhonda and daughters Aliciia 10, and Nathan, 7. SSgt James Cawley, Layton, UT: SSgt James Cawley, was a marine reservist and Salt Lake City police detective, was killed in a fire fight in Iraq Saturday.

"He could have had anything but he chose to be a soldier and an officer because of his strong beliefs," his family wrote in a prepared statement distributed by the police department Sunday. Cawley leaves behind a wife, Miyuki, an 8-year-old son, Cecil, and a 6-year-old daughter, Kelko. He served for 12 years in the Marines, traveling around the world. He met his wife Miyuki in Okinawa, Japn, while serving there.

He also served as a proselytizing missionary for the Russian Orthodox Church in Fukuoka, Japn. "He knew that his life was not the end and that we will all be together again in a far greater place," the letter said.

Detective Mark Schuman, Cawley's partner on the Salt Lake City force for 18 months and one of his closest friends, had just received a letter from Cawley a few days ago. At the time of his writing, Cawley was in Kuwait, awaiting further instructions. "He was a loyal and trusting friend, and he was an outstanding officer," Schuman said. "He was a very patriotic man, and he loved the Marine Corps, and he felt it was his duty to protect us and protect America." As our troops move rapidly towards Baghdad, I continue to hope for a quick resolution to this conflict. I hope that the repressive regime of Saddam Hussein will soon collapse and the Iraqi people will be liberated. And I hope all of this can be achieved with as few casualties as possible, Iraqi, American and allied, civilian and military.

To those that have already fallen, we must never forget their sacrifice. They have given their future for that of our Nation—and we as a nation owe them and the others that have fallen our eternal gratitude.

THE CRACKDOWN ON PRO-DEMOCRACY ADVOCATES IN CUBA

Mr. McCain. Mr. President, tomorrow marks the anniversary of the assassination of Dr. Martin Luther King Jr. Dr. King's life reminds Americans of our unyielding commitment to freedom, justice, and equality for all. The peaceful civil rights movement that Dr. King lives and died for serves as a model for the ideals America promotes worldwide.

Today, just 90 miles off the shores of the United States, a despotic dictator is 2 weeks into a Stalinist-style crackdown on his country's non-violent democratic movement and its leaders. One political prisoner, Dr. Oscar Elias Biscet, has often been compared to Dr. King for his brave struggle to seek a non-violent transition to democracy in Cuba. The International Republican Institute (IRI), of which I am chairman, recently awarded Dr. Biscet with its Distinguished Citizen Award for his courageous commitment to human rights, despite his imprisonment and the painful disease from which he suffers, and which remains untreated.

In a severe crackdown that demonstrates the true and brutal character of Cuba's dictatorship, the Castro regime has imprisoned over 80 independent journalists, human rights advocates, independent labor and pro-democracy activists, and supporters of the pro-democracy Varela project since March 18. Many of these activists are currently on trial. Dr. Biscet, who was arrested on December 6, 2002, while organizing a human rights discussion for International Human Rights Day, may be sentenced to life in prison and has apparently been threatened with the death penalty. The founder of the Lawton Foundation for Human Rights, which carries out educational campaigns to end the death penalty and forced abortions, Dr. Biscet was formerly imprisoned from 1999-2002. Dr. Biscet's wife, Elsa Morejon, had her house ransacked and her computer, phone, pictures and letters from her husband taken by the Cuba government.

One of my constituents, Mr. Wallace Ulrich of Moose, WY gave me a copy of his presentation on Operation Iraqi Freedom. He told me that he is working with two groups of High School students at Jackson Hole High School in Jackson, WY.

In his remarks, Wally addresses several issues about the conflict and his thoughts about them. To begin with, he correctly points out that no one is pro-war, but that responsible nations are occasionally called to step up and take action when a wrong cannot be solved or addressed through diplomatic means.

Saddam Hussein created just such a situation when he failed to abide by the agreements signed by his government at the end of Operation Desert Storm and refused to fully comply with the terms of several United Nations resolutions. It was only after a long diplomatic effort failed to produce the necessary results that the United States had to ensure that Iraq was disarmed and no longer a threat to the peace loving world.

I hope all my colleagues will take a moment to read what Wally had to say to our young people in Jackson, WY. He has an interesting point of view as he presents his position well. I ask unanimous consent that his statement be printed in the Record.

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

STATEMENT BY MR. WALLACE ULRICH

Good Day.

And thank you for that kindness. Some of you know that I am also a ski patroller on Snow King—for the last thirty years—and you've even been kind to me up there!
First, I want to say that I am here not as a spokesman for any party or entity or organization or group. While I have held elected positions I am here, just like you, a citizen (only a lot older and a little grey in the hair).

I want you to know too, that I am neither a fan of nor a practitioner of personal definition or position taking, though often confronted by solid determination in this arena. Your teachers are also to be commended and the administration.

It is a misnomer to be labeled pro war. Frankly, I don’t understand how anyone would take that position—but there comes a time when despots who have the blood of hundreds of thousands of people on their hands have to be stopped.

In the early decades of the 20th century, the Turks annihilated the Armenians. They asked the leaves of the trees but got virtually nothing. When Hitler was determined to wipe out the Jews, he referred back to the fact that no one remembered the Armenian genocide.

Saddam Hussein wiped out the Sumerians. The culture no longer exists. When Bush declared war he agreed as a condition of his surrender to disarm Iraq. He would not. And that is what generated this war.

A million Iranians are dead because of Saddam, 8000 Kurds we know, his own people were gassed to death and his tortures and barbarity continue unabated by international disgust.

It is always easier to do nothing. You know that. But while we stand by, hundreds of thousands of people are being tortured and killed.

Our country moving off the path of diplomacy that it has traveled so long, personally touches me. My brother-in-law, police, forest ranger, cowboy, and on up the system that Americans in leadership positions are decent, honest, and caring—for you, our country, and others.

Know this testimonial fact: Charlie Rangel, of the U.S. Congress; when asked about his criticism of the President and policy days before the war he said: “That’s what I am elected to do. I represent the people, when that flag goes up, I salute, I’m there.”

When at war observe that partisan politicians cease their partisanship, that parents and brothers and sisters of soldiers, and aviators, and sailors find solitude and prayer to comfort their fear and the choking that comes in the night from knowing that one’s child is being led by fighting with their life, one nation, one people, made up of all the peoples of Earth.

And I close my comment with a quote from my favorite non-warrior Mahatma Gandhi. Said in 1931, “Peace and disarmament are not matter of reciprocity. When real peace and disarmament come, they will be initiated by a strong nation like America irrespective of the consent and cooperation of other nations.” Thank you.

**NATIONAL TARTAN DAY**

**Mr. LOTT.** Mr. President, today I rise to commemorate the fifth anniversary of National Tartan Day. While it is observed on April 6 of each year, I make this recognition today because the Senate is not expected to be in session on that date. I want to remind my colleagues that the resolution which establishes National Tartan Day was unanimously on March 20 of 1998.

As an American of Scottish descent, I appreciate the efforts of the individuals, clan organizations, and all the many other groups who were instrumental in generating support for the resolution. These groups worked diligently to foster national awareness of the importance role that Americans of Scottish descent have played in the progress of our country.

The purpose of National Tartan Day is to recognize the contributions that Americans of Scottish ancestry have made to our national heritage. It also recognizes the contributions that Scottish Americans continue to make to our country. I look forward to National Tartan Day as another opportunity to pause and reflect on the role Scottish Americans have played in advancing democracy and freedom. It is my hope that this annual event will continue to generate interest in preserving the traditions and activities similar to those that have been held over the past few years. Scottish Americans have helped shape this Nation. Their contributions are innumerable. In fact, three-fourths of all American Presidents can trace their roots to Scotland.

In addition to recognizing Americans of Scottish ancestry, National Tartan Day reminds us of the importance of liberty. It honors those who strived for freedom from an oppressive government on April 6, 1320. It was on that day that the Declaration of Arbroath was signed. It is the Scottish Declaration of Independence. This important document served as the model for America’s Declaration of Independence.

In demanding their independence from England, the men of Arbroath wrote, “We fight for liberty alone, which no good man loses but with his life.” These words are applicable today to the heroism of our American veterans and active duty forces who know the precious cost of fighting for liberty—a fight that is taking place at this moment as a coalition of military forces seeks liberation for the people of Iraq.

Senate Resolution 155 has served as a catalyst for the many States, cities, and counties that have passed similar resolutions recognizing the important contributions of Scottish Americans. I would like to thank all those groups and individuals who have continued the work of reminding the world of the stand for liberty taken on April 6th almost 700 years ago—in Arbroath, Scotland. A call for liberty which still echoes through our history and the history of many nations across the globe.

I believe April 6 can also serve as a day to recognize those nations that have not achieved the principles of freedom which we hold dear, and which we are fighting for even now. The example of the Scotsmen at Arbroath—their courage—their desire for freedom—still serves as a bright beacon today.

**ANDEAN COUNTERDRUG INITIATIVE**

**Mr. GRASSLEY.** Mr. President, I want to take a moment to express some concern to the Appropriations Committee about the report language that was included regarding the supplemental request for the Andean Counterdrug Initiative. The Senate report indicates that the committee considers the President’s request as a downpayment on funding for the next fiscal year.

I would like to ask the committee to reconsider taking this position without
a greater examination of both the 2004 request and how the supplemental funding will be used. I believe penalizing the 2004 request because of needed funds today will hamper the effectiveness of this program, particularly when it seems to be working.

This request is designed to support our current efforts in Colombia, which are occurring at a significantly higher operational pace than was anticipated when the current fiscal year budget was developed. Since the fiscal year 2003 budget was enacted, we have witnessed a wave in urban bombings, the launch of a rescue mission for kidnapped American citizens, a significant increase in the violent attacks against our spray aircraft, and an increase in the violent attacks against President Uribe and other top Colombian officials. These increased threats need to be countered now, and require a revision in the original budget estimates on what will be spent both this fiscal year and next.

The supplemental funding is necessary to continue current operations at their current pace. By including the President's request in this bill, the committee is recognizing this need. But we should not penalize next year's efforts by counting this supplemental appropriations against the 2004 request. I strongly urge the committee to reconsider holding this needed supplemental funding for the Andean Counterdrug Initiative against the fiscal year 2004 request.

TRIBUTE TO GREG MASTEL

Mr. BAUCUS. Mr. President, I rise today to thank Greg Mastel for his work as the Finance Committee's chief trade adviser and chief economist during the 107th Congress.

I asked Greg to rejoin my staff in early 2001 with two specific goals in mind—significantly expanding the Andean Trade Preference Act and the Generalized System of Preferences. In conference negotiations, it is always a challenge to bridge the differences between Democrats and Republicans and between the Senate and the House. But to sit in a room negotiating the finer points of U.S. trade policy at 2 in the morning while fighting through the pain of broken collarbone takes a special kind of staff member. Not only did Greg come up with the idea of trade missions and expand both the Andean Trade Preference Act and the Generalized System of Preferences. The Trade Act of 2002 is the most significant piece of trade legislation to come before the Congress in over a decade. And it would not have happened without the skilled guidance and steady hand that Greg showed every step of the way.

Getting there wasn't easy. There were a lot of long nights and more than a few tense meetings. And for Greg, there were some personal challenges that didn't make the job any easier, but made his performance even more impressive. Greg suffered a nasty bicycling accident that left him with a broken collarbone, badly bruised ribs, and more sore muscles than I care to think about. But despite the pain, he worked every day, working through the pain and showing the same good humor that always made him such a pleasure to work with.

At the time, I called Greg "the Lance Armstrong of the Trade World"—although he probably needs to hone those biking skills. I stand by those comments. In conference negotiations, it is always a challenge to bridge the differences between Democrats and Republicans and between the Senate and the House. But to sit in a room negotiating the finer points of U.S. trade policy at 2 in the morning while fighting through the pain of broken collarbone takes a special kind of staff member. Not only did Greg come up with the idea of trade missions and expand both the Andean Trade Preference Act and the Generalized System of Preferences. The Trade Act of 2002 is the most significant piece of trade legislation to come before the Congress in over a decade. And it would not have happened without the skilled guidance and steady hand that Greg showed every step of the way.

China, United States trade laws, and WTO negotiations, and has written a column for the Journal of Commerce.

TRIBUTE TO ARKANSAS GUARD AND RESERVES

Mrs. LINCOLN. Mr. President, I rise today to pay tribute to the American
troops in the National Guard and Reserves who are placing themselves in harm's way to defend our Nation against the threats of terrorism and rogue states.

As of Wednesday, April 2, 2003, there are 218,931 reservists and guardsmen nationwide activated in the war on terrorism and in Operation Iraqi Freedom. Currently, there are 2,356 Arkansans activated in the Guard and Reserves, according to the U.S. Department of Defense. I would like to ask that the attached list be printed in the RECORD following my remarks.

The sacrifices that these men and women are making protect our freedoms, defend our liberties, and ensure regional and global stability. We are very proud of each and every one of them, and we owe all of them a tremendous debt of gratitude for their service and for their dedication to their country. We look forward to welcoming them home safely.

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

### LOCAL LAW ENFORCEMENT ACT OF 2001

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

I would like to describe a terrible crime that occurred September 14, 2001, in San Francisco, CA. An Australian software engineer was stabbed in the chest by someone who thought his friend, a man of Indian and Hispanic heritage, was an Arab. The victims say the stabbing took place when they were passed by a group while crossing the street. A scuffle ensued when the engineer was punched or bumped by one of the men. The assailant used racial slurs to describe the victims and said, "We don't like Arabs" before stabbing the engineer.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that arise out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

**CONGRATULATIONS TO DR. THOMAS FRIST**

Mr. ALEXANDER. Mr. President, I would like to congratulate Dr. Thomas F. Frist, J., a cofounder of HCA and its former chairman and CEO, on his induction into the Healthcare Hall of Fame. The Healthcare Hall of Fame honors individuals who bring a legacy of enthusiasm, vision, and perseverance to the healthcare industry. I cannot think of a more deserving recipient of this honor.

Dr. Frist began his hospital administrative career shortly after his service as a military flight surgeon. In 1968, he founded HCA in Nashville, with his father, the late Dr. Thomas F. Frist, Sr., and the late Jack C. Massey. In 1977, Dr. Frist became president of HCA and subsequently became chairman, president, and chief executive officer in 1987. When HCA merged with Columbia in February 1994, Dr. Frist served as chairman of the board and later as vice chairman following the company's April 1995 merger with HealthTrust Inc. Dr. Frist returned as chairman and CEO of the company in 1997. He was chairman and CEO until January 2001 and chairman until January 2002.

Not only is Dr. Frist a great physician and hospital administrator, he is also a great benefactor to his hometown of Nashville. He served as vice president of the Vanderbilt University Board of Trust from 1995–1997. He was chairman of the board of Governors of the United Way of America in 1995, and founded the United Way's Alexis de Tocqueville Society. He was the 1999–2000 chair of the Nashville Area Chamber of Commerce. Currently, Dr. Frist is chair of the board of The Frist Foundation and chairman of the board of Frist Center for the Visual Arts. Dr. Frist also serves on the board of Montgomery Bell Academy in Nashville and is chair of the Nashville Healthcare Council's 2002–2003 board of directors.

Dr. Frist is also the brother of our own majority leader, Dr. BILL FRIST, a leader on healthcare issues in the Senate, Dr. Frist's father, the late Dr. Thomas Frist, Sr., was also a member of the Healthcare Hall of Fame. Dr. Frist's induction makes them the first Hall of Fame father-son pair. All of us in Tennessee appreciate Dr. Frist's dedication and great work in the healthcare industry, and I would like...
to congratulate him today on this great honor.

RECOGNITION OF THE UMD LADY BULLDOGS FOR WINNING THE 2003 NCAA DIVISION I NATIONAL WOMEN’S ICE HOCKEY CHAMPIONSHIP

Mr. COLEMAN. Mr. President, I am pleased to join my distinguished colleague from Minnesota in recognizing the University of Minnesota Duluth Women’s Ice Hockey Team for winning their third straight national championship.

A Stanley Cup-winning professional hockey player said that “when you start a tournament, you stick with it.” History has shown that the Lady Bulldogs maintain this same principle. In 2001 at the inaugural Frozen Four, they took on St. Lawrence University and won 4–2. The following year, they made it through the semifinals again, allowing them the opportunity to face Brown University, who they defeated 3–2 for their second title.

They entered this year’s national tournament playing Dartmouth College in the semifinals, a game which was tied in the second period before UMD came back to win it 5–2.

Two days later, in the championship, they met No. 2 seeded Harvard University in what has been referred to by some as the best women’s college hockey game ever.

Knowing what makes a good hockey game, I would have to agree. There was a near-capacity crowd; a first period ending score of 2–0, with Duluth in the lead; a solid return by Harvard in the second; and a scoreless first overtime, which resulted in a second where sophomore Nora Tallus scored the winning goal at 4 minutes and 19 seconds.

This goal concluded the 84-minute game, giving the Lady Bulldogs their third and probably most memorable title, as it was won at home in front of a near-capacity crowd at the Duluth Entertainment Convention Center.

I am pleased to stand here today, commending the UMD Women’s Ice Hockey Team for winning the 2003 NCAA Division I National Collegiate Women’s Ice Hockey Championship and recognizing the achievements of all the team’s players, coaches, and staff.

THE POSTAL PENSION LIABILITY ACT, S. 380

Mr. SUNUNU. Mr. President, I am pleased that the Senate has taken action to pass S. 380, the Postal Pension Liability Act.

As my colleagues may know, the U.S. Postal Service, USPS, is required to pay into the Civil Service Retirement System, CSRS, an amount that equals the full cost of its obligation to CSRS. While the Postal Service has done so, the monies put into this account has earned interest at a higher rate than previously thought. Thus, the Office of Personnel Management estimated in November that the pension obligations for the USPS totaled $5 billion and not a previously estimated $32 billion.

This bill would correct the formula that overpays the Postal Service’s obligation to the civil service retirement fund. In addition, this bill would stabilize postage rates through 2006 and help the Postal Service to pay down some of its debt. Stable postage rates will help keep shipping costs down as well as the indirect cost of all consumer goods.

Without this bill, the U.S. Postal Service would continue to overfund its contribution to the Civil Service Retirement System fund. If it had not been evaluated and corrected, the overpayment could have reached tens of billions of dollars in the decades ahead.

Mr. President, I am pleased with the bipartisan manner in which the Senate has acted to pass this much-needed ill. This spirit of cooperation is truly in the best interest of the American people.

RETIRED OFFICERS’ COMMENTARY

Mr. WARNER. Mr. President, there has been much discussion here in the Senate and in the press about retired military officers who have been appearing in the media throughout the coverage of the diplomatic efforts and the actual military operations to end the global threat posed by Saddam Hussein and his weapons of mass destruction.

Some, at least, of these retired officers have, in a very fair, constructive, helpful way, interpreted the complexity of modern military operations, the highly technical range of military equipment, and have conveyed their positive observations of the courage and professionalism of our men and women in uniform—from the generals to the privates.

In most presentations, these retired officers have shown professional responsibility and a great restraint in giving their views and interpretations. But a few have added personal criticisms over the planning and execution of Operation Iraqi Freedom.

Professionals in the military have devoted their careers to protecting our Constitutional freedoms. Among the most cherished of these is freedom of speech. But that freedom has its legal, as well as ethical, restraints, and requires the exercise of good judgment, common sense, and critical thinking. They are, like all Americans, free to speak their mind, but how to do it—publicly or privately?

They have ample opportunity to convey their views to their former colleagues—and their military commanders—through private channels, and I know many do so through a variety of forums and through personal communications. Before making critical public statements during the course of military operations, I hope they carefully consider the consequences of such statements and recall how they, and their families, felt about unexpected public criticism when they were in the “trenches of conflict.”

The tradition followed by Presidents, especially in times of conflict, is a worthy precedent. A sitting President customarily receives the views of past Commanders in Chief by way of private communication rather than through the media.

Mr. President, I expressed these points to members of the media after a Capitol Hill meeting Tuesday evening with Secretary Rumsfeld and General Meyers, and I ask unanimous consent that the excerpted text of my remarks at that news conference, and those of the general, be printed in the RECORD.

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

EXCERPT FROM TRANSCRIPT, NEWS CONFERENCE WITH SECRETARY OF DEFENSE DONALD RUMSFELD; GENERAL RICHARD MYERS, CHAIRMAN, JOINT CHIEFS OF STAFF; SENATOR JOHN WARNER, CHAIRMAN, SELECT COMMITTEE ON VETERANS’ AFFAIRS, UNITED STATES SENATE; REPRESENTATIVE DUNCAN HUNTER (R-CA)

Sen. WARNER.—We covered that very carefully. The general gave us a complete briefing. And I think, Duncan, I believe you will join me in the consensus in our group just now is that a good plan has been in place, it is being executed. It is timely. Considerable progress has been made to date. And we see no reason at this time for anyone to be in criticism of this program.

And I want to talk a little bit about this retired military. I’ve been associated with the military a half-century or more. I think of some of them have in a very constructive way interpreted the complexity of military operations today and the equipment, and I think they have done a good job in portraying the courage shown by the men and women who are executing this plan.

If some have criticized, we don’t mean to stifle freedom of speech, but I think they should follow the tradition of President, the Commander in Chiefs. You do not see former Presidents criticizing a sitting President during a war. And in the same way, if they’ve got constructive criticism at variance with the plan, I think they should follow the tradition of the commanders in the Pentagon and share it that way rather than open.
TRIBUTE TO SACRED HEART ACADEMY

- Mr. BUNNING. Mr. President, today I pay tribute to the Sacred Heart Academy of Lexington, KY. Their basketball team won their second straight Sweet 16 girls title last night. Sacred Heart won their second straight Sweet 16 title after defeating Lexington Catholic 42-40. Sacred Heart is the first team in over 25 years to repeat as state champions. Their win last night was their 62nd straight victory against in-state competition.

The citizens of Louisville, KY should be proud to have Sacred Heart Academy basketball team living and learning in their community. Their example of hard work and determination should be followed by all in the Commonwealth.

I would like to congratulate the members of the basketball team for their success. Congratulating with Crystal Kelly for being named the tournament's MVP. But also, I want to congratulate their coach, Donna Moir, along with their peers, faculty, administrator, and parents for their support and sacrifices they've made to help meet those achievements and dreams.

TRIBUTE TO BILL CANARY

- Mr. SHELBY. Mr. President, I rise today to pay tribute to a dear friend, William Canary, of Montgomery, AL. Bill Canary was recently named president of the Business Council of Alabama.

While he now calls Montgomery, AL home, Bill is a native of New York and attended the State University of New York at Oneonta. He also holds a juris doctorate degree from the Jacob D. Fuchsberg Law Center at Touro College.

Bill came to BCA from the American Trucking Association, the freight trade and safety organization of the U.S. trucking industry. He began his career at ATA nearly a decade ago, serving as counselor to the AT president and CEO, Thomas J. Donohue. Over the years, he served ATA in various capacities including political advisor to the president and senior vice president for State, Federation and Intergovernmental Affairs. In 2001, the ATA board of directors named him their president and CEO.

Prior to his service at the ATA, Bill served as a Special Assistant to President George H.W. Bush for Intergovernmental Affairs. From January 1989 through June 1991, Bill served the White House as the President’s liaison to local elected officials and mayors throughout the Nation.

Bill has also served as chief of staff for the Republican National Committee and as national political director for the Committee to Re-Elect President Bush. During the 2000 Republican National Convention he served as a senior advisor to the co-chairman, Andrew Card, currently chief of staff to President George W. Bush.

He is the coauthor of the public research product "The Alabama Poll," and is a writer, commentator, and political analyst for several Alabama television programs. In 2001, I was proud to recommend Bill’s wife Leura to serve as the U.S. attorney for the Middle District of Alabama. Leura was served in this position with distinction. Bill and Leura have a daughter, Margaret, and a son, Will.

Bill Canary is a good friend and a beloved family man. I offer him my congratulations and best wishes in his new role as president of BCA.

MESSAGE FROM THE HOUSE

At 11:58 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 522. An act to reform the Federal deposit insurance system, and for other purposes.

H.R. 743. An act to amend the Social Security Act and the Internal Revenue Code of 1986 to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, to enhance program protections, and for other purposes.

MEASURES REFERRED

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

H.R. 522. An act to reform the Federal deposit insurance system, and for other purposes; to the Committee on Banking, Housing and Urban Affairs.

H.R. 743. An act to amend the Social Security Act and the Internal Revenue Code of 1986 to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, to enhance program protections, and for other purposes; to the Committee on Finance.

PETITIONS AND MEMORIALS

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

POM-72. A concurrent resolution by the House of the Legislature of the State of New Hampshire relative to a peaceful and rapid solution of the conflict between India and Pakistan relative to the state of Jammu and Kashmir; to the Committee on Foreign Relations.

HOUSE CONCURRENT RESOLUTION 16

Whereas, the people of the former Princely State of Jammu and Kashmir have for the past 55 years been subjected to documented and unspoken human rights abuses, including the execution of rape and burning of women, the immolation and mutilation of children, the deliberate shielding of civilians by military artillery, and the torture and murder of political detainees; and

Whereas, 2 wars between India and Pakistan, in 1965 and 1971, failed to justly resolve either the issue of self-determination or the ongoing and egregious violations of human rights; and

Whereas, the threat of nuclear war between India and Pakistan has reached unprecedented levels because of the volatility of state attitudes attendant to the accession of Kashmir; and

Whereas, resolution of this conflict, the cessation of atrocities, and the reduction of fear of nuclear annihilation is in the best interests of the people of the state of New Hampshire, the United States of America, and the world community of nations; Now, therefore, be it resolved:

Resolved by the House of Representatives, the Senate concurring:

That the New Hampshire general court hereby calls upon all parties to this conflict to adhere to the principles of the United Nations Charter on Human Rights forthwith, and grant observers from Amnesty International and Human Rights Watch free and unrestricted access to the entire State of Jammu and Kashmir to monitor the status of human rights therein; and

That copies of this resolution be sent by the house clerk to the President of the United States, the Vice President of the United States, the Speaker of the United States House of Representatives, and the New Hampshire congressional delegation.

POM-73. A concurrent resolution adopted by the Legislature of the State of Michigan relative to federal transit funding for highways and transit programs; to the Committee on Environment and Public Works.

SENATE CONCURRENT RESOLUTION No. 1

Whereas, Michigan faces a difficult task in maintaining a transportation network that meets the many needs of the individuals and businesses of this state. This challenge is made more difficult because of the fact that Michigan receives in return from the federal government far less in highway funding than we send to Washington; and

Whereas, under the provisions of the Transportation Equity Act for the 21st Century, Michigan currently receives approximately 90.5 cents in highway dollar we send to the federal government; while this is a notable improvement
from the amounts received in prior years, it remains inadequate for our state's considerable overall transportation needs. In the area of transit, the deficiency of funding received from federal and state sources is much more evident, with Michigan receiving only about 50 cents for each dollar we send through taxes; and

Whereas, this shortfall will present significant problems to certain aspects of our transportation infrastructure. As discussions take place on future funding mechanisms and the need for future transportation funding, it is imperative that a fairer approach be developed. Now, therefore, be it

Resolved by the senate (the house of representatives concurring) That we memorialize the United States Congress to establish a minimum rate of return of 95 percent of Michigan’s federal transportation funding for highway and transit programs; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-74. A resolution adopted by the Senate of the State of Michigan relative to the United States Coast Guard Cutter Bramble; to the Committee on Commerce, Science, and Transportation.

SENATE RESOLUTION NO. 21

Whereas, Since its launch in 1943, the United States Coast Guard Cutter Bramble has served our nation in a variety of capacities. Following its six decades of service, the 180-foot buoy tender is scheduled for decommissioning in the spring of 2003; and

Whereas, Port Huron, the home port of the Bramble since 1975, feel a strong sense of identity with the vessel. As a result, local citizens are working hard to make the cutter a permanent educational and historical resource of Port Huron by securing title and ownership for the Port Huron Museum of Arts and History. Members of the community, other than the Michigan congressional delegation, have expressed a commitment to renovating the Bramble for its new role and maintaining it for the future; and

Whereas, The history of the missions undertaken by the Bramble will serve as a visible reminder of the many ways the Coast Guard responds to threats. The cutter served during World War II, its journey through Arctic waters and the Bering Straits to the Atlantic in 1957, and its long years working to secure and safety along the Great Lakes will provide invaluable lessons for visitors, especially children; and

Whereas, Legislation has been introduced in Congress to provide for the Coast Guard to convey the Bramble to the Port Huron Museum of Arts and History after decommissioning. Now, therefore, be it

Resolved by the senate (the house of representatives concurring) That we memorialize the Congress of the United States to enact legislation to provide for the United States Coast Guard to transfer ownership of the decommissioned Coast Guard Cutter Bramble to the Port Huron Museum of Arts and History; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-75. A concurrent resolution adopted by the Legislature of the State of Dakota relative to the United States District Judge for the District of South Dakota, and the next federal transportation funding for highway and transit programs; and be it

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

HOUSE CONCURRENT RESOLUTION No. 1019

Whereas, the United States Congress is considering legislation to add more than 5,000 acres to Wind Cave National Park; and

Whereas, Wind Cave National Park, located in the southern Black Hills, is the longest and most complex cave systems in the United States and includes 28,000 acres of mixed-grass prairies and pine forests that provide habitat for bison, deer, elk, and many other species; and

Whereas, the proposed addition would involve the purchase of similar adjacent, private land; and

Whereas, the proposed purchase would reduce property tax revenues to Custer County and the Hot Springs School District, and federal payments in lieu of taxes would not be sufficient to make up for the loss; and

Whereas, the National Park Service prohibits hunting in Wind Cave National Park and would protect the additional areas to be purchased, and the National Park Service does not have a strong record in the area of wildlife management; and

Whereas, the National Park Service for the proposed additional acres is higher than warranted and would drive the price of land in the area beyond the reach of agricultural producers: Now, therefore, be it

Resolved, by the House of Representatives of the Seventy-eighth Legislature of the State of South Dakota, the Senate concurring therein, That the South Dakota Legislature does not support the proposed purchase of additional land for an expansion of Wind Cave National Park currently under consideration by the United States Congress. The Legislature urges Congress to refrain from making the purchase to allocate the resources intended for the purchase to more appropriate purposes.

POM-76. A concurrent resolution adopted by the Parish of Ascension of the State of Louisiana relative to establishing a national energy policy; to the Committee on Energy and Natural Resources.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were received:

By Mr. Shelby for the Committee on Banking, Housing, and Urban Affairs:

"Noe Hinojosa, Jr., of Texas, to be a Director of the Securities Investor Protection Corporation."

"Noe Hinojosa, Jr., of Texas, to be a Director of the Securities Investor Protection Corporation."

"Thomas Waters Grant, of New York, to be a Director of the Securities Investor Protection Corporation."

"William Robert Timken, J., of Ohio, to be a Director of the Securities Investor Protection Corporation."

"William Robert Timken, J., of Ohio, to be a Director of the Securities Investor Protection Corporation."

"Alfred Plaumann, of California, to be a Member of the Board of Directors of the National Consumer Cooperative Bank for a term of three years."

By Mr. Hatch for the Committee on the Judiciary:

Edward C. Prado, of Texas, to be United States District Judge for the Fifth Circuit."

By Mr. Hatch for the Committee on the Judiciary:

Richard D. Bennett, of Maryland, to be United States District Judge for the District of Maryland.

Paul David Bejarano, of California, to be United States Marshal for the Southern District of California for the term of four years."

Allen Garber, of Minnesota, to be United States Marshal for the District of Minnesota for the term of four years."

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.*

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 Ms. Snowe:

S. 752. A bill to amend the Internal Revenue Code of 1986 to allow the use of completed contract method of accounting in the case of certain long-term naval vessel construction contracts; to the Committee on Finance.

By Mrs. Feinstein:

S. 753. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to make private, nonprofit medical facilities that serve industry-specific clients eligible for hazard mitigation and disaster assistance; to the Committee on Environment and Public Works.

By Mr. Campbell:

S. 754. A bill to amend chapters 83 and 84 of title 5, United States Code, to authorize payments to certain trusts under the Social Security Act, and for other purposes; to the Committee on Governmental Affairs.

By Mr. Inhofe (for himself and Mr. Baucus):

S. 777. A bill to amend title XVIII of the Social Security Act to provide medicare beneficiaries with a drug discount card that ensures access to affordable prescription drugs; to the Committee on Finance.

By Mr. Jeffords (for himself, Mr. Ensign, Mr. Lugar, and Mr. Inhofe):

S. 778. A bill to amend title XVIII of the Social Security Act to provide medicare beneficiaries with a drug discount card that ensures access to affordable prescription drugs; to the Committee on Finance.

By Mr. HAGEL (for himself, Mr. Ensign, Mr. Lugar, and Mr. Inhofe):

S. 779. A bill to amend the Federal Water Pollution Control Act to improve the prohibition of treatment works from terrorist and other harmful and intentional acts, and for other purposes; to the Committee on Environment and Public Works.

By Mr. Lott (for himself and Mr. Cochran):

S. 780. A bill to award a congressional gold medal to Chief Phillip Martin of the Mississippi Band of Choctaw Indians; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. Lott (for himself and Mr. Breaux):

S. 781. A bill to restore balance to the membership of the Gulf of Mexico Fisheries Management Council; to the Committee on Commerce, Science, and Transportation.

By Mr. Graham of South Carolina:
S. 782. A bill to amend the National Labor Relations Act to provide for inflation adjustments to the mandatory jurisdiction thresholds of the National Labor Relations Board; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MILLER (for himself and Mr. CUBBESI).

S. 783. A bill to expedite the granting of posthumous citizenship to members of the United States Armed Forces; to the Committee on the Judiciary.

By Mr. MCCAIN.

S. 784. A bill to revise the boundary of the Petrified Forest National Park in the State of Arizona, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. DASCHLE, Mr. COLEMAN, Mr. HARKIN, Mr. CRAIG, Mr. JOHNSON, Mr. BURNS, Mr. DORGAN, Mr. ROBERTS, Mr. DAYTON, Mr. FITZGERALD, Mrs. LINCOLN, Mr. COCHRAN, Mr. HAGEL, Mr. CONRAD, and Mr. HATCH):

S. 785. A bill to amend the Internal Revenue Code of 1986 to allow the payment of dividends on the stock of cooperatives without reducing patronage dividends; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mr. ROCKEFELLER, and Mr. BREAUX):

S. 786. A bill to amend the temporary assistance for needy families program under part A of title IV of the Social Security Act to provide grants for transitional jobs programs, and for other purposes; to the Committee on Finance.

By Mr. LEAHY (for himself and Mr. KERRY):

S. 787. A bill to provide for the fair treatment of the Federal judiciary relating to compensation and benefits, and to instill greater public confidence in the Federal court system on the judiciary.

By Mr. HOLLINGS (for himself, Mr. BROWNBACK, Mr. ROCKEFELLER, Mr. INOUYE, Ms. CANTWELL, and Mr. GERRITSEN).

S. 788. A bill to enable the United States to maintain its leadership in aeronautics and aviation; to the Committee on Commerce, Science, and Transportation.

By Mr. NELSON of Florida (for himself and Mrs. BOXER):

S. 789. A bill to change the requirements for naturalization through service in the Armed Forces of the United States; to the Committee on the Judiciary.

By Mr. LUGAR.

S. 790. A bill to authorize appropriations for the Department of State for fiscal years 2004 and 2005, to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005, and for other purposes; to the Committee on Foreign Relations.

By Mr. INHOFE (for himself, Mr. VOINOVICH, and Mr. TALENT):

S. 791. A bill to amend the Clean Air Act to eliminate methyl tertiary butyl ether from the United States fuel supply, to increase production and use of renewable fuel, and to increase oil security and energy independence, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. DAYTON (for himself and Mr. EMMANUEL):

S. Res. 104. A resolution commending the University of Minnesota Duluth Bulldogs for winning the 2002-2003 National Collegiate Athletic Association Division I National Collegiate Women's Ice Hockey Championship; considered and agreed to.

ADDITIONAL COSPONSORS

S. 6

At the request of Mr. DASCHLE, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 6, a bill to enhance homeland security and for other purposes.

S. 237

At the request of Mr. GRAHAM of South Carolina, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 237, a bill to amend the Fair Labor Standards Act of 1938 to clarify the exemption from the minimum wage and overtime compensation requirements of that Act for certain construction engineering and design professionals.

S. 253

At the request of Mr. CAMPBELL, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 253, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

S. 269

At the request of Mr. JEFFORDS, the names of the Senator from Louisiana (Mr. BREAUX) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. 269, a bill to amend the Lacey Act Amendments of 1981 to further the conservation of certain wildlife species.

S. 307

At the request of Mrs. LINCOLN, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 307, a bill to amend title XVIII of the Social Security Act to extend the eligibility periods for geriatric graduate medical education, to permit the expansion of medical residency training programs in geriatric medicine, to provide for reimbursement of care coordination and assessment, and to provide services under the medicare program, and for other purposes.

S. 442

At the request of Ms. LANDRIEU, the name of the Senator from Maryland (Ms. MUKULSKI) was added as a cosponsor of S. 442, a bill to provide pay protection for members of the Reserve and the National Guard, and for other purposes.

S. 460

At the request of Mrs. FEINSTEIN, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 460, a bill to amend the Immigration and Nationality Act to authorize appropriations for fiscal years 2004 through 2010 to carry out the State Criminal Alien Assistance Program.

S. 461

At the request of Mr. DORGAN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 461, a bill to establish a program to promote hydrogen fuel cells, and for other purposes.

S. 473

At the request of Mr. FEINGOLD, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 473, a bill to amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States.

S. 518

At the request of Ms. COLLINS, the names of the Senator from Delaware (Mr. BIDEN), the Senator from Iowa (Mr. HARKIN) and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of S. 518, a bill to increase the supply of pancreatic islet cells for research, to provide better coordination of Federal efforts and information on islet cell transplantation, and to collect the data necessary to move islet cell transplantation from an experimental procedure to a standard therapy.

S. 560

At the request of Mr. CRAIG, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 560, a bill to impose tariff-rate quotas on certain casein and milk protein concentrates.

S. 580

At the request of Mr. LUGAR, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 580, a bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Russia.

S. 596

At the request of Mr. HATCH, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from New Mexico (Mr. DOMENICI), the Senator from North Carolina (Mrs. DOLE), the Senator from Michigan (Ms. STABENOW) and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 596, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financings to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 607

At the request of Mr. ENSIGN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 607, a bill to improve patient access to health care services and provide...
improved medical care by reducing the excessive burden the liability system places on the health care delivery system.  

S. 636  

At the request of Ms. Collins, the name of the Senator from Maryland (Ms. HARRIS) was added as a cosponsor of S. 636, a bill to amend title XVIII of the Social Security Act to provide for a permanent increase in Medicare payments for home health services that are furnished in rural areas.  

S. 645  

At the request of Mr. Levin, the names of the Senator from New Jersey (Mr. Lautenberg), the Senator from Hawaii (Ms. Inouye) and the Senator from Maine (Ms. Snowe) were added as cosponsors of S. 645, a bill to amend the Public Works and Economic Development Act of 1965 to provide assistance to communities for the redevelopment of brownfield sites.  

S. 646  

At the request of Mr. Corzine, the name of the Senator from Louisiana (Ms. Landrieu) was added as a cosponsor of S. 646, a bill to amend title XVIII of the Social Security Act to expand access to early intervention services and improve coverage of mental health services under the medicare program.  

S. 648  

At the request of Mr. Reed, the names of the Senator from New Jersey (Mr. Lautenberg) and the Senator from Mississippi (Mr. Cochran) were added as cosponsors of S. 648, a bill to amend the Public Health Service Act with respect to health professions programs regarding the practice of pharmacy.  

S. 709  

At the request of Mrs. Dole, the names of the Senator from North Carolina (Mr. Edwards) and the Senator from Connecticut (Mr. Lieberman) were added as cosponsors of S. 709, a bill to award a congressional gold medal to Prime Minister Tony Blair.  

S. 710  

At the request of Mr. BIDEN, the names of the Senator from New York (Mr. Schumer) and the Senator from Vermont (Mr. Leahy) were added as cosponsors of S. 731, a bill to prohibit fraud and related activity in connection with authentication features, and for other purposes.  

S. 750  

At the request of Mr. McCain, the name of the Senator from South Dakota (Mr. Johnson) was added as a cosponsor of S. 750, a bill to amend title II of the Social Security Act to increase the level of earnings under which no individual who is blind is determined to have demonstrated an ability to engage in substantial gainful activity for purposes of determining disability.  

S. 755  

At the request of Mr. Baucus, the name of the Senator from Massachusetts (Mr. Kerry) was added as a cosponsor of S. 755, a bill to amend the Internal Revenue Code of 1986 to provide a uniform definition of child, and for other purposes.  

S. 760  

At the request of Mr. Grassley, the names of the Senator from Indiana (Mr. Lugar) and the Senator from New Jersey (Ms. Snowe) were added as cosponsors of S. 760, a bill to implement effective measures to stop trade in conflict diamonds, and for other purposes.  

S. 771  

At the request of Mr. BIDEN, the name of the Senator from Utah (Mr. Hatch) was added as a cosponsor of S. 771, a bill to improve the investigation and prosecution of child abuse cases through Children Advocacy Centers.  

S. 773  

At the request of Mr. LEAHY, the name of the Senator from Nevada (Mr. Reid) was added as a cosponsor of S. 773, a bill to reauthorize funding for the National Center for Missing and Exploited Children, and for other purposes.  

S.J. RES. 1  

At the request of Mr. KYL, the names of the Senator from Ohio (Mr. DeWine), the Senator from Arkansas (Mr. Graham) and the Senator from Maine (Ms. Snowe) were added as cosponsors of S.J. Res. 1, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.  

AMENDMENT NO. 436  

At the request of Ms. Landrieu, her name was added as a cosponsor of amendment No. 436 intended to be proposed to S. 762, an original bill making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes.  

AMENDMENT NO. 439  

At the request of Mrs. Feinstein, the names of the Senator from Illinois (Mr. Durbin) and the Senator from New Jersey (Mr. Corzine) were added as cosponsors of amendment No. 439 intended to be proposed to S. 762, supra.  

AMENDMENT NO. 440  

At the request of Mr. Akaka, his name was added as a cosponsor of amendment No. 440 proposed to S. 762, an original bill making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes.  

AMENDMENT NO. 441  

At the request of Mr. LEAHY, the names of the Senator from New Mexico (Mr. Domenici), the Senator from California (Mrs. Boxer), the Senator from Nevada (Mr. Ensign), the Senator from Michigan (Ms. Stabenow), the Senator from Delaware (Mr. Biden), the Senator from West Virginia (Mr. Rockefeller) and the Senator from Connecticut (Mr. Dodd) were added as cosponsors of amendment No. 441 intended to be proposed to S. 762, an original bill making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes.  

AMENDMENT NO. 447  

At the request of Mr. Feinstein, the name of the Senator from Florida (Mr. Graham) was added as a cosponsor of amendment No. 447 intended to be proposed to S. 762, an original bill making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes.
At the request of Mr. BINGHAM, his name was added as a cosponsor of amendment No. 451 proposed to S. 762, an original bill making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes.

At the request of Mr. KOHL, the names of the Senator from Kansas (Mr. ROBERTS), the Senator from North Dakota (Mr. DORGAN), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Minnesota (Mr. DAYTON), the Senator from Illinois (Mr. DURBIN), the Senator from Nebraska (Mr. NEELSEN), the Senator from South Dakota (Mr. Daschle), the Senator from Montana (Mr. BAUCUS), the Senator from Missouri (Mr. TALENT), the Senator from Kansas (Mr. BROWNBACK) and the Senator from Ohio (Mr. DeWINE) were added as cosponsors of amendment No. 455 proposed to S. 762, an original bill making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes.

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 459 proposed to S. 762, supra.

At the request of Mr. GRAHAM of Florida, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Vermont (Mr. JEFFORDS) and the Senator from Nevada (Ms. SNOWE) were added as cosponsors of amendment No. 459 proposed to S. 762, supra.

### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

**By Ms. SNOWE:**

S. 774. A bill to amend the Internal Revenue Code of 1986 to allow the use of completed contract method of accounting in the case of certain long-term naval vessel construction contracts; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise today to once again introduce legislation to simplify and restore fairness to the tax accounting rules under which the six major U.S. naval shipyards determine their tax liability on the naval ship contracts they are awarded by the Navy.

Quite simply, this legislation would permit naval shipyards to use a method of accounting under which shipbuilders would pay income taxes upon delivery of a ship rather than during construction. Under current law, profits must be established at the completion of construction phases of the shipbuilding process and taxes must be paid on those estimated profits, a process known as the "Percent of Completion Method" of accounting.

The major shortcoming of this method is that shipbuilders must report progress payments as "revenue" rather than as a source of financing, which had been recognized and permitted for the 64 years between 1918 and 1982. Additionally, it creates a "legal fiction" of an "interim profit," when in reality a profit or loss is not reasonably known until after a ship is completed. This places a financial burden on shipbuilders during the critical construction phase: reduces the resources available to invest in facilities and processes to reduce construction costs; places a burden on the cash flow management of the shipbuilder; and weakens the financial stability of the defense shipbuilding industrial base.

The legislation being proposed would simply allow naval shipbuilders and their team members to use a modified "Completed Contract Method" of accounting, under which the shipbuilder would pay taxes when the ship is actually delivered to the Navy. In other words, the delivery of each ship would be treated as the completion of the contract for "Completed Contract" purposes, regardless of how many ships are built under a contract.

Prior to 1982, Federal law permitted shipbuilders to use this method but the law was changed due to abuses by Federal contractors in another sector, having absolutely nothing to do with shipbuilding. Significant shipbuilding contracts are already allowed to use this method of accounting, and this legislation contains provisions designed to prevent the types of abuses witnessed in the past. Specifically, this bill, and the bill that was deferred at this time, would prevent tax payments for a period beyond the time it takes to build a single ship.

This bill would not reduce the amount of taxes ultimately paid by the shipbuilder. It simply would defer payment until the profit is actually known upon delivery of the ship. I believe that this is the most fair and most sensible accounting method. It is the method that naval shipbuilders employed in the past. It is the method which commercial builders are permitted to use to this day. This legislation has the strong support of the major shipyards that build for the Navy. As such, I strongly urge my colleagues to join me in a strong show of support for this effort.

By Mrs. FEINSTEIN:

S. 775. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to make private, nonprofit medical facilities that serve industry-specific clients eligible for hazard mitigation and disaster assistance; to the Committee on Environment and Public Works.

Mr. FEINSTEIN. Mr. President, I rise today to introduce a bill that would allow private, nonprofit medical facilities which service industry-specific clients to be eligible for hazard mitigation and disaster assistance. Under the current law, institutions such as these are not eligible to receive the Federal funds needed for both preparedness and response in the case of emergencies.

In particular, I speak today of the Motion Picture & Television, MPTF, Hospital, located in the earthquake-prone San Fernando Valley. Set up more than 80 years ago to provide members of the entertainment industry with vital medical care and social services, the MPTF Hospital is the only institution of its kind in the United States.

With an acute care hospital, six outpatient facilities staffed with primary care physicians, a children's center, retirement facilities, and programs for the elderly, the MPTF Hospital provides comprehensive care for a significant sector of the population of the greater Los Angeles community. It is the only non-profit institution providing industry-specific health and human services to the entertainment industry and to the general public.

This legislation is important because in the aftermath of the Northridge Earthquake of 1994, considered one of the worst natural disasters in U.S. history, the MPTF Hospital was unable to receive federal assistance to repair structural and equipment damages suffered from the earthquake. Furthermore, that same year, the California Senate enacted legislation requiring hospitals to be retrofitted by 2010. The costs of both the reparations and structural upgrades are enormous, and the MPTF Hospital cannot receive federal funds because as an institution serving an industry-specific clientele, it does not qualify under the current definition of a "private, nonprofit facility" within the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, Stafford Act.

To address this problem, this legislation broadens that definition to include tax-exempt facilities that provide medical services to specific occupational or industry segments of the general public.

Under this change, facilities such as the MPTF Hospital would have the opportunity to apply for federal assistance under the Stafford Act, alongside other private, nonprofit institutions.

There is no up-front cost stemming from this amendment to the Stafford Act. This bill simply permits the MPTF Hospital on equal footing with other critical care facilities when applying for Federal disaster assistance.
This legislation is timely and necessary. Hospitals such as the MPTF deserve an opportunity to apply for Federal funding, and desperately need this financial assistance in order to both meet California’s 2010 deadline for seismic retrofitting and respond to the frequent quakes in this region. I call on this body to enact this legislation promptly.

By Mr. CAMPBELL:

S. 776. A bill to amend chapters 83 and 84 of title 5, United States Code, to authorize payments to certain trusts under the Social Security Act, and for other purposes; to the Committee on Governmental Affairs.

Mr. CAMPBELL. Mr. President, today I am introducing legislation that would amend Title V of the United States Code. It authorizes the Office of Personnel Management, OPM, to make payments to a disability trust or a pooled trust which is set up for a disabled dependent of a Federal worker in a way that would allow him or her to continue to receive Medicaid benefits.

My legislation puts disabled dependents of federal workers on a par with disabled dependents of those in the private sector. In 1993, Congress passed a statute allowing disabled persons to have trusts. And, in 1999, the Supplemental Security Income,SSI, statute was amended to conform with the basic Medicaid law. But, as current law is interpreted, these protective trusts cannot be set up for disabled dependents of federal workers in a way that allows them to keep their other benefits.

The oversight can cause devastating and confusing circumstances for disabled dependents and their guardians. In Colorado, Lisa Neikirk, a Downs Syndrome child, became entitled to a small civil service retirement annuity from her father when he died in 1994. This benefit in the amount of $310 per month was just high enough to push her off SSI and Medicaid and she lost her benefits at that time.

Because Congress had recently passed a Medicaid statute allowing disabled people to have trusts, Lisa’s mother created a trust for her. However, the Social Security Administration took the position that OPM statutes do not permit Lisa’s benefit to be assigned to a trust without negating her Medicaid benefit. The Social Security Administration accepts these trusts with other assets but the OPM statute precludes the 1993 law and would not allow benefits to be assigned to these trusts without this change. Lisa’s situation is only one of several such cases throughout the country.

The bill I am introducing would grant to OPM the discretion to pay a retirement annuity to a disability trust which is set up for a person in a way that would allow them to continue to receive Medicaid benefits. This policy change has been very carefully drafted so that it cannot be abused. It stipulates a trust that is qualified under Medicaid law and adheres to two Medicaid statutes.

I believe it is important that we better protect disabled children of Federal workers. We need to make it clear that disabled dependents of Federal workers need all the protections that are available to them under the law. We must not let outdated federal statutes put federal workers and their dependents at a disadvantage.

This legislation provides another step toward making our laws fair for the disabled in our country. I urge my colleagues to support its passage.

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. 776

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

SECTION 1. AUTHORIZATION OF CERTAIN PAYMENTS TO CERTAIN TRUSTS UNDER THE SOCIAL SECURITY ACT.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—

(1) PAYMENTS.—Section 8345(e) of title 5, United States Code, is amended in the first sentence by inserting before the period ”, or is a trustee under a trust meeting the requirements of subparagraph (A) or (C) of section 1917(d)(4) of the Social Security Act (42 U.S.C. 1396p(d)(4) (A) or (C))”.

(2) ASSIGNABILITY OF PAYMENTS.—Section 8345(e) of title 5, United States Code, is amended by striking “except under” and inserting “except to a trust meeting the requirements of subparagraph (A) or (C) of section 1917(d)(4) of the Social Security Act (42 U.S.C. 1396p(d)(4) (A) or (C))”.

(b) FEDERAL EMPLOYEES RETIREMENT SYSTEM.—

(1) PAYMENTS.—Section 8466(c) of title 5, United States Code, is amended in the first sentence by inserting before the period ”, or is a trustee under a trust meeting the requirements of subparagraph (A) or (C) of section 1917(d)(4) of the Social Security Act (42 U.S.C. 1396p(d)(4) (A) or (C))”.

(2) ASSIGNABILITY OF PAYMENTS.—Section 8466(c) of title 5, United States Code, is amended by striking “except under” and inserting “except to a trust meeting the requirements of subparagraph (A) or (C) of section 1917(d)(4) of the Social Security Act (42 U.S.C. 1396p(d)(4) (A) or (C))”.

By Mr. INHOFE (for himself and Mr. BAUCUS):

S. 777. A bill to amend the impact aid program under the Elementary and Secondary Education Act of 1965 to improve the delivery of payments under the program to local educational agencies; to the Committee on Health, Education, Labor, and Pensions.

Mr. INHOFE. Mr. President, I rise today to introduce a bill to make the Impact Aid Program a Federal entitlement.

Impact Aid is one of the oldest Federal education programs, dating from the 1950’s, and is meant to compensate a local school district for financial losses resulting from Federal properties or lands in that district. Congress met its obligation of fully funding Impact Aid until the 1970’s. When the funding was cut in 1971, many districts that greatly depend on Impact Aid began to suffer. In the past few years, the Impact Aid payment formula has become increasingly complex, causing great funding disparities for the same types of students in different districts.

I have consistently supported increased appropriations for Impact Aid because it not only provides an essential revenue source for impacted districts, but it is also a Federal obligation. Often, close to 90 percent of a local school’s funding is comprised of the local tax base. When the presence of the Federal Government in a community takes away from this tax base, it must compensate for this loss. When we do not fulfill our obligation by adequately funding Impact Aid, our children suffer the consequence such as lower test scores, lower attendance rates, crowded classrooms, and fewer and older facilities.

Although funding for Impact Aid has increased over the past few years, it still remains under-funded. Today, I am taking the first step to correct this inequity. My bill will require Congress to meet its duty to these children and schools that have been under-funded for so long. I urge my colleagues to join me in fulfilling our obligation by permanently fully funding the Impact Aid program.

Mr. BAUCUS. Mr. President, I rise today to join my friend and colleague Senator INHOFE in introducing a bill that will make a real difference in schools on or near military bases, Indian reservations, and Federal lands. Our bill will make the Impact Aid Program a Federal entitlement.

We require public schools to accept all children from military families and tribal reservations. It is the right thing to do if families of children living on or on reservations do not pay local property taxes, a traditional revenue source for school districts. While Impact Aid was designed to make up the difference, we have not met our obligation to public schools. Instead, we have let the Impact Aid Program fall prey to the annual appropriations process. This means that payments to Impact Aid schools are never guaranteed, are usually underfunded, and rarely arrive on time. In fact, Impact Aid has not been fully funded since the early 1980s. The result of this underfunding can be seen in Impact Aid schools in States across the country. Schools are cutting programs and staff, not buying new books and materials, and deferring maintenance on buildings to help cover classroom costs. As a result, schools like Hays Lodge Pole School in Montana cannot teach their students and lose their students. In the past few years, the Hays Lodge Pole School has been susceptible to electrical fires and other structural hazards.
I am so proud of the students, teachers, and administrators that learn and work in our Impact Aid districts. They have gone above and beyond to make due with scant resources. In many cases, however, we have stretched ourselves thin in the process. We have an obligation to our schools and the students. We can and must do better than we have in the past.

The bill that Senator INHOFE and I are introducing today will make a difference. It requires the Federal Government to meet its obligation to these schools. As a result, districts will know when and how much they will receive. The guesswork will vanish, and school leaders will be able to focus on student achievement instead of budget games.

I recognize that creating a Federal entitlement program is not an easy task. But Impact Aid is not like other discretionary programs. It was set up to compensate school districts for the "substantial and continuing financial burden resulting from Federal activities." It is not a program that supplement local programming. It is the only game in town, and when we do not meet our Federal obligation, there is no other program to pick up the slack. Other Federal education programs, such as title I, supplement insufficient local resources.

Importantly, Impact Aid is a Federal program that addresses Federal needs. Our bill recognizes that providing Impact Aid on time and in full helps federally impacted students learn and achieve. It also recognizes that Impact Aid funds are better spent in our schools than on plane tickets and expenses for Impact Aid officials to come to Washington to fight for dollars that are due. It recognizes that our bill will provide Impact Aid funds are better spent in our schools and enhance the quality of education in the 21st century economy.

Our bill recognizes the importance of education and makes sure that our federally impacted school districts receive the money they deserve. More importantly, our bill makes sure that students in federally impacted schools will have an education that will prepare them for personal and professional success.

By Mr. HAGEL (for himself, Mr. ENZIGN, Mr. LUGAR, and Mr. INHOFE):

S. 778. A bill to amend title XVII of the Social Security Act to provide medicare beneficiaries with a drug discount card to improve access to affordable prescription drugs; to the Committee on Finance.

Mr. HAGEL. Mr. President, I ask unanimous consent that the text of the bill be ordered to be printed in the Record.

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

S. 778

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

§ 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Medicare Rx Drug Discount and Security Act of 2003." (b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Medicare Rx Drug Discount and Security Act of 2003." (b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Voluntary Medicare Prescription Drug Discount and Security Program.

Part D—Voluntary Medicare Prescription Drug Discount and Security Program.

Sec. 1860A. Definitions.

Sec. 1860A. Establishment of program.

Sec. 1860B. Enrollment.

Sec. 1860C. Providing enrollment and coverage information to beneficiaries.

Sec. 1860D. Enrollee protections.

Sec. 1860E. Annual enrollment fee.

Sec. 1860F. Benefits under the program.

Sec. 1860G. Requirements for entities to provide prescription drug coverage.

Sec. 1860H. Payments to eligible entities for administering the catastrophic benefit.

Sec. 1860I. Determination of income levels.

Sec. 1860J. Appropriations.

Sec. 1860K. Medicare Competition and Prescription Drug Advisory Board.

Sec. 3. Administration of Voluntary Medicare Prescription Drug Discount and Security Program.

Sec. 4. Exclusion of part D costs from determination of part B monthly premium.

Sec. 5. Medigap revisions.

SEC. 2. VOLUNTARY MEDICARE PRESCRIPTION DRUG DISCOUNT AND SECURITY PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Title XVII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended—

(b) by redesignating part D as part E; and

(c) by inserting after part C the following new part:

"PART D—Voluntary Medicare Prescription Drug Discount and Security Program."

"(a) Definitions."

"Sec. 1860A. In this part:

"(1) Covered drug.—"(A) in general.—Except as provided in this paragraph, the term 'covered drug' means—

"(i) a drug that may be dispensed only upon a prescription and that is described in subparagraph (A)(i) or (A)(ii) of section 1860I(2)(B); and

"(ii) a biological product described in clauses (i) through (iii) of subparagraph (B) of such section or insulin described in subparagraph (C) of such section, and such term includes a vaccine licensed under section 351 of the Public Health Service Act and any of a covered drug for a medically accepted indication (as defined in section 1927(k)(6))."

"(B) Exclusions."

"(i) In general.—Such term does not include drugs or classes of drugs, or their medical uses, which may be excluded from coverage or otherwise restricted under section 1927(k)(2), other than subparagraph (E) thereof (relating to smoking cessation agents), or under section 1927(d)(3).

"(ii) Avoidance of duplicate coverage.—A drug prescribed for an individual that would otherwise be a covered drug under this part shall not be so considered if payment for such drug is available under part A or B for an individual entitled to benefits under part A and enrolled under part B.

"(iii) Application of formulary restrictions.—A drug prescribed for an individual that would otherwise be a covered drug under this part shall not be so considered under a plan if the plan excludes the drug under a formulary and such exclusion is not successfully appealed under section 1902(a)(4)(B).

"(iii) Application of general exclusions.—A prescription drug discount card plan or Medicare+Choice plan may exclude from qualified prescription drug coverage any covered drug—

"(i) for which payment would not be made if section 1828(a) applied to part D; or

"(ii) which are not described in accordance with the plan or this part.

"(C) Eligible beneficiary.—The term 'eligible beneficiary' means an individual who—

"(i) is entitled to hospital insurance benefits under part A or entitled to medical insurance benefits under part B; and

"(ii) is a member of a State plan under the medicare program under title XIX.

"(D) Eligible entity.—The term 'eligible entity' means any—

"(A) a pharmacy benefit management company;

"(B) a wholesale pharmacy delivery system;

"(C) a retail pharmacy delivery system;

"(D) an issuer of a medicare supplemental policy under section 1882 of the Omnibus Budget Reconciliation Act of 1981; or

"(E) a Medicare+Choice organization;

"(F) State (in conjunction with a pharmaceutical benefit management company);

"(G) an employer-sponsored plan;

"(H) other entity that the Secretary determines to be appropriate to provide benefits under this part;

"(ii) combination of the entities described in subparagraphs (A) through (H).

"(A) Poverty line.—For purposes of this paragraph, "poverty line" means the official Federal poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved.

"(B) Administration."

"Sec. 1860A. (a) Provision of Benefit.—The Secretary shall establish a Medicare Prescription Drug Discount and Security Program under which the Secretary endorses prescription drug discount programs offered by eligible entities in which eligible beneficiaries..."
shall establish a special enrollment period in which such enrollment occurs. The Secretary shall ensure that an eligible beneficiary may enroll in a prescription drug card plan under this part if the eligible entity meets the requirements of this part with respect to that plan.

(2) National Plans.—In addition to other types of plans, the Secretary may endorse national prescription drug plans under paragraph (1).

(C) Voluntary Nature of Program.—Nothing in this part shall be construed as requiring an eligible beneficiary to enroll in the program under this part.

(3) The provisions of providing benefits under this part shall be payable from the Federal Supplementary Medical Insurance Trust Fund established under section 1814.

"Enrollment"

"Sec. 1806b. (a) Enrollment Under Part D.

(1) Establishment of Process.—

(A) In General.—The Secretary shall establish a process through which an eligible beneficiary (including an eligible beneficiary enrolled in an offered Medicare+Choice plan offered by a Medicare+Choice organization) may make an election to enroll under this part. Except as otherwise provided in this sub-section, such process shall be similar to the process for enrollment under part B under section 1837.

(B) Requirement of Enrollment.—An eligible beneficiary must enroll under this part in order to receive the benefits under this part.

(2) Enrollment Periods.—

(A) In General.—Except as provided in this paragraph, an eligible beneficiary may not enroll in the program under this part during any period after the beneficiary's initial enrollment period under part B (as determined under section 1837).

(B) Special Enrollment Period.—In the case of an eligible beneficiary that has recently lost eligibility for prescription drug coverage under a State plan under the medical care program under title XIX, the Secretary shall establish a special enrollment period in which such beneficiaries may enroll under this part.

(C) Open Enrollment Period in 2004 for Current Beneficiaries.—The Secretary shall establish a period, which shall begin on the date on which the Secretary first begins to accept elections for enrollment under this part, during which any eligible beneficiary may—

(i) enroll under this part; or

(ii) reenroll under this part after having previously declined or terminated such enrollment.

(3) Period of Coverage.—

(A) In General.—Except as provided in subparagraph (C), an eligible beneficiary's coverage under the program under this part shall be effective for the period provided under section 1838, as if that section applied to the program under this part.

(B) Enrollment During Open and Special Enrollment.—Subject to subparagraph (C), an eligible beneficiary who enrolls under a Medicare+Choice plan under this part under paragraph (2) or (C) of paragraph (2) shall be entitled to the benefits under this part beginning on the first day of such month following the month in which such enrollment occurs.

(4) Part D Coverage Terminated by Termination of Coverage Under Parts A and B or Eligible Entity

(A) In General.—In addition to the causes of termination specified in section 1838, the Secretary shall terminate an individual's coverage under this part if the individual is—

(i) no longer enrolled in part A or B; or

(ii) eligible for prescription drug coverage under a State plan under the medicare program under title XIX.

(B) Effective Date.—The termination described in subparagraph (A) shall be effective on the effective date of—

(i) the termination of coverage under part A or (if later) under part B; or

(ii) the coverage under title XIX.

(C) Enrollment With Eligible Entity.—

(I) Process.—The Secretary shall establish a process through which an eligible beneficiary may make an annual election to enroll in a prescription drug card plan offered by an eligible entity that has been awarded a contract under this part and serves the geographic area in which the beneficiary resides.

(ii) special election periods.

In applying the last sentence of section 1851(e)(4)(D) relating to discontinuance of a Medicare+Choice election during the first year of eligibility) under this subparagraph, in the case of an election described in such section in which the individual had elected or is provided qualified prescription drug coverage at the time of such first enrollment, the individual may be permitted to enroll in a prescription drug card plan under this part at the time of the election of coverage under the original fee-for-service plan.

(B) Initial Enrollment.—

(I) Individuals Currently Covered.—In the case of an individual who is entitled to benefits under part A or enrolled under part B as of November 1, 2004, there shall be an initial election period of 6 months beginning on that date.

(ii) Individual Covered in Future.—In the case of an individual who was entitled to benefits under part A or enrolled under part B after such date, there shall be an initial election period which is the same as the initial enrollment period under section 1837.

(C) Additional Special Election Periods.—The Administrator shall establish special enrollment periods—

(i) in cases described in section 1837(h) (relating to errors in enrollment), in the same manner as such section applies to part B; and

(ii) in the case of an individual who meets such exceptional conditions (including conditions provided under section 1851(e)(4)(D)) as the Secretary may provide.

(D) Enrollment With One Plan Only.—The rules established under subparagraph (B) shall ensure that an eligible beneficiary may only enroll in 1 prescription drug card plan offered by an eligible entity that in such enrollment period under section 1837.

(E) State Pharmaceutical Assistance Program.—Any prescription drug coverage under a State plan under the medical care program under title XIX, including a health benefits plan under the Federal Employees Health Benefit Plan under chapter 85 of title 5, United States Code, as defined by the Secretary, but only if (subject to subparagraph (E)(ii)) the coverage provides benefits that are at least equivalent to the benefits under a prescription drug card plan under this part.

(F) Veterans' Coverage of Prescription Drugs.—Coverage of prescription drugs for veterans under chapter 17 of title 38, United States Code, but only if (subject to subparagraph (E)(ii)) the coverage provides benefits that are at least equivalent to the benefits under a prescription drug card plan under this part.

(G) Medicare Prescription Drug Coverage Under Certain Medigap Policies.—Coverage under a medicare supplemental policy under section 1882 that provides benefits for prescription drugs (whether or not such coverage conforms to the standards for the coverage of benefits under section 1852(b)(1)) and if (subject to subparagraph (E)(ii)) the coverage provides benefits that are at least equivalent to the benefits under a prescription drug card plan under this part.

(H) State Pharmaceutical Assistance Program.—Coverage of prescription drugs under a State pharmaceutical assistance program, but only if (subject to subparagraph (E)(ii)) the coverage provides benefits that are at least equivalent to the benefits under a prescription drug card plan under this part.

(I) Veterans' Coverage of Prescription Drugs.—Coverage of prescription drugs for veterans under chapter 17 of title 38, United States Code, but only if (subject to subparagraph (E)(ii)) the coverage provides benefits that are at least equivalent to the benefits under a prescription drug card plan under this part.
such beneficiary.

Sec. 1860C. (a) Activities.—The Secretary shall ensure that activities under this part to broadly disseminate information to eligible beneficiaries (and prospective eligible beneficiaries) are provided under this part and the prescription drug card plans offered by eligible entities with a contract under this part.

(b) Use of Standardized Technology.—(i) In general.—Each eligible entity offering a prescription drug discount card plan shall use (and reissue, as appropriate) such a card (or other technology) that may be used by an enrolled beneficiary to access accessible negotiated prices under section 1860(f) (a) for the purchase of prescription drugs for which coverage is not otherwise provided under the prescription drug discount card plan.

(ii) Standards.—The Secretary shall provide for the development of national standards, as appropriate, that for the use of the card or other technology referred to in clause (i). Such standards shall be compatible with standards established under part C of title X of the Social Security Act.

(C) Requirements on Development and Application of Formularies.—If an eligible entity that offers a prescription drug discount card plan uses a formulary, the following requirements must be met:

(ii) Pharmacy and Therapeutic (PT) Committee.—The eligible entity must establish a pharmacy and therapeutic committee that develops and reviews the formulary. Such committee shall include at least 1 physician and at least 1 pharmacist both with expertise in the care of elderly or disabled persons and a majority of its members shall consist of individuals who are a physician or a practicing pharmacist.

(iii) Formulary Development.—In developing and reviewing the formulary, the committee shall base clinical decisions on the strength of scientific evidence and standards of practice, including assessing peer-reviewed medical literature, such as randomized clinical trials, pharmacoeconomic studies, and other relevant information as the committee determines to be appropriate.

(iv) Inclusion of Drugs in All Therapeutic Categories.—The formulary must include drugs within each therapeutic category and class of covered drugs (although not necessarily for all drugs within such categories and classes).

(v) Provider Education.—The committee shall establish policies and procedures to educate and inform health care providers concerning the formulary.

(vi) Notice Before Removing Drugs from Formulary.—Any removal of a drug from a prescription drug discount card plan uses a formulary, the following requirements are met:

(g) Grievance Mechanism, Coverage Determinations, and Reconsiderations.—(i) In general.—With respect to the benefit under this part, each eligible entity offering a prescription drug discount card plan shall provide meaningful procedures for hearing and resolving disputes between the organization (including any entity or individual through which the eligible entity provides covered benefits) and enrollees with prescription drug card plans of the eligible entity under this part in accordance with section 1852(f).

(2) Cost and Utilization Management; Quality Assurance; Medication Therapy Management Program.—(A) In general.—Each eligible entity offering a prescription drug discount card plan shall have in place with respect to covered drugs—
covered under the plan that is therapeutically equivalent.

(ii) quality assurance measures and systems to reduce medical errors and adverse drug interactions, including a medication therapy management program described in subparagraph (B); and

(iii) a program to control fraud, abuse, and waste.

Nothing in this section shall be construed as impairing an eligible entity from applying cost management tools (including differential payments) under all methods of operation.

(B) Medication Therapy Management Program.—

(i) In General.—A medication therapy management program described in this paragraph is a program of drug therapy management and medication administration that is designed to ensure, with respect to beneficiaries with chronic diseases (such as diabetes, asthma, hypertension, and congestive heart failure) or multiple prescriptions, that covered drugs under the prescription drug discount card plan are appropriately used to achieve agreed-upon goals and reduce the risk of adverse events, including adverse drug interactions.

(ii) Elements.—Such program may include—

(I) enhanced beneficiary understanding of such appropriate use through beneficiary education, counseling, and other appropriate means;

(II) increased beneficiary adherence with prescription medication regimens through meaningful reminders, special packaging, and other appropriate means; and

(III) detection of patterns of overuse and underuse of prescription drugs.

(C) Development of Program in Cooperation with Licensed Pharmacists.—The program shall be developed in cooperation with licensed pharmacists and physicians.

(iv) Considerations in Pharmacy Fees.—Each eligible entity offering a prescription drug discount card plan shall take into account, in establishing fees for pharmacists and pharmacies, the cost to the program of the medication therapy management program, the resources and time used in implementing the program.

(i) Payment of Accreditation.—Section 1822(e)(4) (relating to treatment of accreditation) shall apply to prescription drug discount card plans under this part with respect to the following requirements, in the same manner as they apply to Medicare+Choice plans under part C with respect to the requirements described in a clause of section 1852(b)(4)(B):

(I) Paragraph (1) (including quality assurance), including any medication therapy management program under paragraph (2).

(ii) Paragraph (c)(1)(I) (relating to access to covered benefits).

(iii) Subsection (g) (relating to confidentiality and accuracy of enrollee records).

(iv) subsection (a) (relating to disclosure of pharmaceutical prices for equivalent drugs.—Each eligible entity offering a prescription drug discount card plan shall provide that each eligible entity determines whether the dispensing and pharmacy services of the prescription drug discount card plan are appropriate. Each such determination, and the reasons for the determination, shall inform the beneficiary at the time of purchase of the drug of any differential between the negotiated price and the actual cost of the drug.

Annual Enrollment Fee

Sec. 1890E. (a) Amount.—

(1) in general.—Except as provided in subsection (c), enrollment under the program under this part is conditioned upon payment of an annual enrollment fee of $25.

(2) Annual Percentage Increase.—

(A) In General.—In the case of any calendar year beginning after 2005, the dollar amount in paragraph (1) shall be increased by the applicable annual percentage increase for that calendar year determined under section 1839.

(B) Inflation Adjustment.—For purposes of subparagraph (A), the annual percentage increase for any calendar year is the percentage (if any) by which—

(i) the average per capita aggregate expenditure for covered drugs in the United States for Medicare beneficiaries, as determined by the Secretary for the 12-month period ending in July of the previous year, exceeds

(ii) such aggregate expenditures for the 12-month period ending with July 2004.

(C) Rounding.—If any increase determined under clause (ii) is not a multiple of $1, such increase shall be rounded to the nearest multiple of $1.

(D) Collection of Annual Enrollment Fee.—

(I) in general.—Unless the eligible beneficiary makes an election under paragraph (2), the annual enrollment fee described in subsection (a) shall be collected and credited to the Federal Supplementary Medical Insurance Trust Fund in the same manner as the monthly premium determined under section 1852 is collected and credited to such Trust Fund under section 1840.

(II) direct payment.—An eligible beneficiary may elect to pay the annual enrollment fee directly or in any other manner approved by the Secretary. The Secretary shall establish procedures for making such an election.

(E) Waiver.—The Secretary shall waive the enrollment fee described in subsection (a) in the case of an eligible beneficiary whose income is below 200 percent of the poverty line.

Benefits Under the Program

Sec. 1890F. (a) Access to Negotiated Prices.—

(1) Negotiated Prices.—

(A) in general.—Subject to subparagraph (B), each prescription drug card plan offering a prescription drug discount card plan providing that the negotiated prices (including applicable discounts) for nonformulary drugs (including applicable discounts) for such prescription drugs for which payment is made by that section that exceed 600 percent of the poverty line.

(B) Limitations.—

(i) Formulary Restrictions.—Insofar as an eligible entity with a contract under this part is provided by section 1860(h)(4)(B).

(ii) Inflation Adjustment.—For purposes of this subparagraph, the term ‘prescription drugs’ is not limited to covered drugs, but does not include any over-the-counter drug that is not a covered drug.

(iii) Limitations.—

(A) in General.—In the case of any calendar year after 2005, the dollar amounts in subparagraphs (A), (B), and (C) of paragraph (2) shall be increased by an amount equal to

(I) such dollar amount; multiplied by

(ii) the inflation adjustment determined under section 1808E(a)(2)(B) for such calendar year.

(B) Rounding.—If any increase determined under subparagraph (A) is not a multiple of $1, such increase shall be rounded to the nearest multiple of $1.

(C) Eligible Entity Not at Financial Risk for Catastrophic Benefit.—
"(A) IN GENERAL.—The Secretary, and not the eligible entity, shall be at financial risk for the provision of the catastrophic benefit under this subsection.

(1) PAYMENTS RELATING TO PAYMENTS TO ELIGIBLE ENTITIES.—For provisions relating to payments to eligible entities for administering the catastrophic benefit under this subsection.

(2) ENSURING CATASTROPHIC BENEFIT IN ALL AREAS.—The Secretary shall develop procedures for the provision of the catastrophic benefit under this subsection to each eligible beneficiary that resides in an area where there are no prescription drug discount card plans offered that have been awarded a contract for the provision of such discount card programs.

(3) REQUIREMENTS FOR ENTITIES TO PROVIDE PRESCRIPTION DRUG COVERAGE

"SEC. 1860G. (a) ESTABLISHMENT OF BIDDING PROCESS.—The Secretary shall establish a process under which the Secretary accepts bids from eligible entities and awards contracts to the entities to provide the benefits under this part to eligible beneficiaries in an area.

(b) SUBMISSION OF BIDS.—Each eligible entity desiring to enter into a contract under this part shall submit a bid to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

(c) ADMINISTRATIVE FEE BID.—(1) SUBMISSION.—For the bid described in subsection (b), each entity shall submit to the Secretary information regarding administration of the discount card and catastrophic benefit under this part.

(2) BID SUBMISSION REQUIREMENTS.—(A) ADMINISTRATIVE FEE BID SUBMISSION.—In submitting bids, the entities shall include separate costs for administering the discount card component, if applicable, and the catastrophic benefit. The entity shall submit the administrative fee bid in a form and manner specified by the Secretary, and shall include a statement of projected enrollment and a separate statement of the projected administrative costs for at least the following functions:

(i) Enrollment, including income eligibility determination.

(ii) Claim processing.

(iii) Quality assurance, including drug utilization review.

(iv) Beneficiary and pharmacy customer service.

(v) Coordination of benefits.

(vi) Fraud and abuse prevention.

(B) NEGOTIATED ADMINISTRATIVE FEE BID AMOUNTS.—The Secretary has the authority to negotiate administrative costs, award at least 2 contracts in each area, and the goal of containing medicare program costs, awarding contracts in each area, unless only 1 bidding entity meets the terms and conditions specified by the Secretary under paragraph (2).

(2) DRUG DISCOUNT CARD PROGRAMS.—The Secretary shall not award a contract to an eligible entity under this section unless the Secretary finds that the eligible entity is in compliance with any terms and conditions as the Secretary shall specify.

(3) REQUIREMENTS FOR ELIGIBLE ENTITIES PROVIDING DISCOUNT CARD PROGRAMS.—Except as provided in subsection (e), in determining which of the eligible entities that submitted bids that meet the terms and conditions specified by paragraph (2) to award a contract, the Secretary shall consider whether the bid submitted by the entity meets at least the following requirements:

(a) LEVEL OF SAVINGS TO MEDICARE BENEFICIARIES.—The program passes on to Medicare beneficiaries who enroll in the program prescription drug discounts on drugs, including discounts negotiated with manufacturers.

(b) PROHIBITION ON APPLICATION ONLY TO MAIL ORDER.—The program applies to drugs that are dispensed through mail order and provides convenient access to retail pharmacies.

(c) LEVEL OF BENEFICIARY SERVICES.—The program provides pharmaceutical support services, such as education and services to prevent adverse drug interactions.

(d) ADEQUACY OF INFORMATION.—The program makes available to Medicare beneficiaries through the Internet and otherwise information, including information on enrollee requirements, enrollee fees, beneficiary responsibilities, and services offered under the program, that the Secretary identifies as being necessary to provide for informed choice by beneficiaries among endorsed programs.

(e) EXTENT OF DEMONSTRATED EXPERIENCE.—The entity operating the program has demonstrated experience and expertise in operating such programs or similar programs.

(f) EXTENT OF QUALITY ASSURANCE.—The entity has in place adequate procedures for assuring quality of the program.

(g) OPERATION OF ASSISTANCE PROGRAM.—The entity meets such requirements relating to solvency, compliance with financial reporting requirements, audit compliance, and contractual guarantees as specified by the Secretary.

(h) PRIVACY COMPLIANCE.—The entity implementing the program must safeguard the use and disclosure of program beneficiaries' individually identifiable health information in a manner consistent with Federal regulations concerning the privacy of individually identifiable health information promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996.

(i) ADDITIONAL BENEFICIARY PROTECTIONS.—The program meets such additional requirements as the Secretary identifies to protect and promote the interest of Medicare beneficiaries, including requirements that ensure that beneficiaries are not charged more than the lower of the negotiated retail price or the usual and customary price. The prices negotiated by a prescription drug discount card program endorsed under this section shall be consistent with Federal regulations concerning the purposes of establishing the best price under section 1227(c)(1)(C).

(j) BENEFICIARY ACCESS TO SAVINGS AND REBATES.—Eligible entities offering a discount card program shall pass on savings and rebates negotiated with manufacturers to eligible beneficiaries enrolled with the entity.

(5) NEGOTIATED AGREEMENTS WITH EMPLOYER-SPOONSORED PLANS.—Notwithstanding any other provision of this part, the Secretary may negotiate agreements with employer-sponsored plans under which eligible beneficiaries are provided with a benefit for prescription drug coverage that is more generous than the benefit that would otherwise have been available under this part if such an agreement results in cost savings to the Federal Government.

(6) REQUIREMENTS FOR OTHER ELIGIBLE ENTITIES.—An eligible entity that is licensed under State law to provide the health insurance benefits under this part shall be required to meet the requirements of subsection (d)(3). If an eligible entity offers a national plan, such entity shall not be required to meet the requirements of subsection (d)(3), but shall meet the requirements of Employee Retirement Income Security Act of 1974 that apply with respect to such plan.

PAYMENTS TO ELIGIBLE ENTITIES FOR ADMINISTERING THE CATASTROPHIC BENEFIT

"SEC. 1860H. (a) IN GENERAL.—The Secretary may establish procedures for making payments to an eligible entity under a contract entered into under this part for the provision of the catastrophic benefit to beneficiaries eligible for the benefit under this part in accordance with subsection (b) minus the amount of any cost-sharing collected by the eligible entity under section 1860f(b); and

(b) PAYMENT FOR COVERED DRUGS.—(1) IN GENERAL.—Except as provided in subsection (c) and subject to paragraph (2), the Secretary shall pay to each eligible entity for covered drugs furnished by the eligible entity to an eligible beneficiary enrolled with such entity under this part that is eligible for the catastrophic benefit under section 1860f(b).

(2) LIMITATIONS.—(A) FORMULARY RESTRICTIONS.—Insofar as an eligible entity with a contract under this part uses a formulary, the Secretary may not make any payment for a covered drug that is not included in such formulary, except to the extent provided under section 1860d(4)(B).

(B) NEGOTIATED PRICES.—The Secretary may not pay an amount for a covered drug that exceeds the negotiated price (including applicable discounts) that the beneficiary would have been responsible for under section 1860d(4)(A) or the price negotiated for insurance coverage under the Medicare Choice program under part C, a medicare supplemental policy, employer-sponsored coverage, or a State pharmacy assistance program.

(C) COST-SHARING LIMITATIONS.—An eligible entity may not charge an individual enrolled with such entity who is eligible for the catastrophic benefit under this part any co-payment, copayment, coinsurance, or other cost-sharing that exceeds 10 percent of the cost of the drug that is dispensed to the individual.

(3) PAYMENT IN COMPETITIVE AREAS.—In a geographic area in which 2 or more eligible entities offer a plan under this part, the Secretary may negotiate with the eligible entity to reimburse the entity for costs incurred in providing the benefit under this part on a capitated basis.

PAYMENT PROVISIONS.—The provisions of section 1860(b) shall apply to the benefits provided under this part.
``Determination of Income Levels

``Sec. 1805. (a) Determination of Income Levels.—

``(1) IN GENERAL.—The Secretary shall establish procedures under which each eligible entity shall establish such procedures as the Secretary determines appropriate. The Secretary shall review and evaluate the procedures established under this paragraph and, if the Secretary determines that the procedures established under such paragraph do not establish procedures under which eligible beneficiaries are treated fairly and consistently, the Secretary shall promulgate regulations to establish procedures under which eligible beneficiaries are treated more fairly and consistently.

``(2) PROCEDURES.—The Secretary shall promulgate regulations to establish procedures under which each eligible entity shall establish procedures as the Secretary determines appropriate. The procedures established under this paragraph shall require each eligible entity to submit such information as the Secretary determines appropriate. Each such report shall be published in the Federal Register.

``(3) Qualifications.—The Secretaries shall be personally qualified to perform the duties of the Board.

``(4) COMPOSITION.—The members appointed under paragraph (1) shall be individually qualified to perform the duties of the Board.

``(5) IN GENERAL.—The Board shall consist of 3 members, each of whom is, by reason of their education, experience, and attainment, exceptionally qualified to perform the duties of the Board.

``(6) CONTINUANCE IN OFFICE AND STAGGERED TERMS.—

``(a) CONTINUANCE IN OFFICE.—Each member of the Board shall serve for a term of 6 years.

``(b) STAGGERED TERMS.—The terms of service of the members initially appointed under this section shall begin on January 1, 2005, and expire as designated by the Secretary.

``(c) Structure and Membership of the Board.—

``(1) Membership.—The Board shall be composed of 7 members who shall be appointed as follows:

``(a) Presidential Appointments.—

``(ii) IN GENERAL.—Three members shall be appointed by the President, by and with the advice and consent of the Senate.

``(ii) LIMITATION.—Not more than 2 such members may be from the same political party.

``(b) Senatorial Appointments.—Two members (each member from a different political party) shall be appointed by the President pro tempore of the Senate with the advice of the Chairman and the Ranking Minority Member of the Committee on Finance of the Senate.

``(c) Congressional Appointments.—Two members (each member from a different political party) shall be appointed by the Speaker of the House of Representatives, with the advice of the Chairman and the Ranking Minority Member of the Committee on Ways and Means of the House of Representatives.

``(2) Qualifications.—The members shall be individually qualified to perform the duties of the Board.

``(3) Terms of Appointment.—The terms of service of the members initially appointed under this section shall begin on January 1, 2005, and expire as designated by the Secretary.

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``(2) Qualifications.—The members shall be individually qualified to perform the duties of the Board.

``(3) Terms of Appointment.—The terms of service of the members initially appointed under this section shall begin on January 1, 2005, and expire as designated by the Secretary.
(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect on the date of enactment of this Act.

(2) IN GENERAL.—Notwithstanding any provision of part D of title XVIII of the Social Security Act (as added by subsection (a)), the Secretary of Health and Human Services shall implement the Voluntary Medicare Prescription Drug Discount and Security Program established under such part in a manner such that—

(A) benefits under such part for eligible beneficiaries (as defined in section 1905 of such Act, as added by such subsection) with annual incomes below 200 percent of the poverty line (as defined in such section) are available to such beneficiaries not later than the date that is 6 months after the date of enactment of this Act; and

(B) benefits under such part for other eligible beneficiaries are available to such beneficiaries not later than the date that is 1 year after the date of enactment of this Act.

SEC. 3. ADMINISTRATION OF VOLUNTARY MEDICARE PRESCRIPTION DRUG DISCOUNT AND SECURITY PROGRAM.

(a) ESTABLISHMENT OF CENTER FOR MEDICARE PRESCRIPTION DRUGS.—There is established, within the Centers for Medicare & Medicaid Services of the Department of Health and Human Services, a Center for Medicare Prescription Drugs. Such center shall be separate from the Center for Beneficiary Choices, the Center for Medicare Management, and the Center for Medicaid and State Operations.

(b) DUTIES.—It shall be the duty of the Center for Medicare Prescription Drugs to administer the Voluntary Medicare Prescription Drug Discount and Security Program established under part D of title XVIII of the Social Security Act (as added by section 2).

(c) APPOINTMENT.—There shall be in the Center for Medicare Prescription Drugs a Director of Medicare Prescription Drugs, who shall be appointed by the President, by and with the advice and consent of the Senate.

(d) PERSONNEL.—The Director of the Center for Medicare Prescription Drugs may appoint and terminate such personnel as may be necessary to enable the Center for Medicare Prescription Drugs to perform its duties.

SEC. 4. EXCLUSION OF PART D COSTS FROM DETERMINATION OF PART D MONTHLY PREMIUM.

Section 1995(g) of the Social Security Act (42 U.S.C. 1395f–2) is amended—

(1) by striking “attributable to the application of section” and inserting “attributable to—

(1) the application of section;”;

(2) by striking the period and inserting “;”;

and

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

“(2) the Voluntary Medicare Prescription Drug Discount and Security Program under part D.”

SEC. 5. MEDIGAP REVISIONS.

Section 1882 of the Social Security Act (42 U.S.C. 1395ss) is amended by adding at the end the following new section:

“Sec. 1882B.规则的修订。

(4) MODIFICATION OF STANDARDS IF MEDICARE BENEFITS UNDER PART D OF THIS TITLE ARE CHANGED AND THE SECRETARY DETERMINES, IN CONSULTATION WITH THE NAIC, THAT THE CHANGES IN THE 2005 NAIC MODEL REGULATION ARE NEEDFUL TO REFLECT SUCH CHANGES, THE PRECEDING PROVISIONS OF THIS PARAGRAPH SHALL APPLY TO THE MODIFICATION OF STANDARDS PREVIOUSLY ESTABLISHED IN THE SAME MANNER AS THEY APPLIED TO THE ORIGINAL ESTABLISHMENT OF SUCH STANDARDS.

(2) CONSTRUCTION OF BENEFITS IN OTHER MEDICARE SUPPLEMENTAL POLICIES.—Nothing in the benefit packages classified as ‘A’ through ‘I’ under the standards established by subsection (1) shall be construed as prohibiting coverage for benefits for which payment may be made under part D.

(3) APPLICATION OF PROVISIONS AND CONFORMING REFERENCES.—

“(A) APPLICATION OF PROVISIONS.—The provisions of paragraphs (4) through (10) of subsection (p) shall apply under this section, except that—

(i) any reference to the model regulation applicable under such subsection shall be deemed to be a reference to the applicable 2005 NAIC Model Regulation or 2005 Federal Regulation; and

(ii) any reference to a date under such paragraphs of subsection (p) shall be deemed to be a reference to the appropriate date under this subsection.

“(B) OTHER REFERENCES.—Any reference to a provision of subsection (p) or a date applicable under such subsection shall also be considered to be a reference to the appropriate provision or date under this subsection.”

By Mr. JEFFORDS (for himself, Mr. LAUTENBERG, Mr. GRAHAM of Florida, and Mr. LIEBERMAN):

S. 793—A bill to amend the Federal Water Pollution Control Act to improve protection of treatment works from terrorist and other harmful and intentional acts, and for other purposes; to the Committee on Environment and Public Works.

Mr. JEFFORDS. Mr. President, I rise today with Senators LAUTENBERG, GRAHAM of Florida, and LIEBERMAN to introduce the Wastewater Treatment Works Security and Safety Act. This legislation provides for the safety and security of our Nation’s wastewater treatment works by providing needed funds to conduct vulnerability assessments and implement security improvements. In addition, this bill will ensure long-term safety and security by providing funds for researching innovative technologies and proven vulnerability assessment tools already in use.

Since the terrible events of September 11, we have taken several comprehensive steps to strengthen our water supplies and infrastructure. I have spoken on the many initiatives taking place on the Committee on Environment and Public Works and at the Environmental Protection Agency to protect our Nation’s critical water infrastructure. I am pleased to say that we have made some progress.

EPA worked with State and local governments to expeditiously provide guidance on the protection of drinking water facilities from terrorist attacks. In the recent recommendations of President Decision Directive 63, issued by President Clinton in 1998, the Environmental Protection Agency and its industry partner, the Association of Metropolitan Water Agencies, established a communications system, a water infrastructure Information Sharing and Analysis Center, designed to provide real-time threat assessment data to water utilities throughout the Nation.

Last year, Senator SMITH and I worked to include the authorization of $160 million for vulnerability assessments at drinking water facilities as part of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002. During our hard work during the conference, we were unable to include a provision in that bill for wastewater facilities due to jurisdictional issues in the House.

While these initial efforts are essential, this task is far from finished. We cannot forget the vital importance of protecting our Nation’s wastewater facilities. Every day we take for granted the hundreds of thousand of miles of...
in the State of Arizona, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. MCCAIN. Mr. President, I rise to introduce legislation to authorize expansion of the Petrified Forest National Park in the State of Arizona. I am pleased that Representative RICK RENZI will introduce companion legislation in the House of Representatives.

The Petrified Forest National Park is a national treasure among the Nation’s parks located in Arizona. It has been described as “one of the world’s greatest storehouses of knowledge about life on earth when the Age of the Dinosaurs was just beginning.”

For anyone who has ever visited this park, one is quick to recognize the wealth of scientific, historic, and cultural values this park possesses. Deposits of petrified wool, fossilized remains, and spectacular landscapes. However, it is more than a colorful, scenic vista, for the Petrified Forest has been referred to as “one of the world’s greatest storehouses of knowledge about life on earth when the Age of the Dinosaurs was just beginning.”

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it provides such a compelling explanation about why this expansion is so important, I am attaching an article by David Gillette, the Colbert Curator of Paleontology at the Museum of Northern Arizona, which was published in our magazine last fall. Thank you for advancing this important proposal to protect a truly remarkable resource for our nation and the rest of the world.

Sincerely,

CRAIG D. OBEY,
Vice President for Government Affairs.

The legislation I am introducing today is a placeholder bill for further development of a boundary expansion proposal. The legislation is identical to the version introduced in the 107th Congress. Several key issues remain that require resolution, including the exact definition of the expanded boundary acreage as well as the disposition and possible acquisition of private and State lands within the proposed expansion area.

It's encouraging to note that the four major landowners within the proposed boundary expansion area have expressed interest in the Park expansion. Other public landowners, primarily the state of Arizona and the Bureau of Land Management, have recognized the significance of the paleontological resources on its lands adjacent to the Park. The Arizona State Trust Land Department closed nearby State trust lands to both surface and subsurface applications. Additionally, the Bureau of Land Management has identified its landholdings within the proposed expansion area for disposal and possible transfer to the Park.

Other issues involving additional private landowners and State trust land must still be resolved. In particular, the State of Arizona has specific requirements which must be addressed as the legislation moves through the process, particularly with regard to compensation to the state for any acquisitions of State lands by the Secretary of the Interior, in keeping with the requirements of State law.

I fully intend to address these issues in consultation with affected entities and resolve any additional questions within a reasonable time-frame. A historic opportunity exists to alleviate major threats to those nationally significant resources and preserve them for our posterity.

On a personal note, I'd like to acknowledge former Park Superintendent of Petrified Forest National Park, Michele Hellickson, who recently lost a battle with cancer a few months ago. She served as Park Superintendent for nine years, from 1993 to 2002, and was one of the most ardent supporters to protect the resources of this Park. Her commitment to protect this incredible Park will long be remembered and acknowledged.

I look forward to working with my colleagues in both houses of the 110th Congress to secure swift consideration and enactment of this proposal. Time is of the essence to ensure the long-term protection of these rare and important resources for the enjoyment and educational value for future generations.

I ask unanimous consent that the text of the bill be printed in the Record.

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

S. 784

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

SEC. 1. SHORT TITLE. This Act may be cited as the "Petrified Forest National Park Expansion Act of 2003." 

SEC. 2. FINDINGS AND PURPOSE. (a) FINDINGS.—Congress finds that—

(1) the Petrified Forest National Park was established—

(A) to preserve and interpret the globally significant paleontological resources of the Park that are generally regarded as the most important record of the Triassic period in natural history; and

(B) to manage those resources to retain significant cultural, natural, and scenic values;

(2) significant paleontological, archaeological, and scenic resources directly related to the resource values of the Park are located in areas adjacent to the boundaries of the Park;

(3) those resources not included within the boundaries of the Park—

(A) are vulnerable to theft and desecration; and

(B) are disappearing at an alarming rate;

(4) the general management plan for the Park includes a recommendation to expand the boundaries of the Park and incorporate additional globally significant paleontological deposits in areas adjacent to the Park—

(A) to further protect nationally significant archaeological sites; and

(B) to protect the scenic integrity of the landscape and viewshed of the Park; and

(5) a boundary adjustment at the Park will alleviate major threats to those nationally significant resources.

(b) PURPOSE.—The purpose of this Act is to authorize the Secretary to acquire or exchange for purposes of carrying out this Act—

(1) to expand the boundaries of the Park; and

(2) to protect the rare paleontological and archaeological resources of the Park.

SEC. 3. DEFINITIONS. In this Act:

(1) MAP.—The term "map" means the map entitled "Proposed Boundary Adjustments, Petrified Forest National Park", numbered and dated.

(2) PARK.—The term "Park" means the Petrified Forest National Park in the State of Arizona.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) STATE.—The term "State" means the State of Arizona.

SEC. 4. BOUNDARY REVISION. (a) IN GENERAL.—The boundary of the Park is revised to include approximately 38,000 acres, as generally depicted on the map.

(b) A VAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

SEC. 5. ACQUISITION OF ADDITIONAL LAND. (a) PRIVATE LAND.—The Secretary may acquire from a willing seller, purchase by condemnation, or by donation, any private land or interests in private land within the revised boundary of the Park.

(b) STATE LAND.—

(1) IN GENERAL.—The Secretary may, with the consent of the State and in accordance with State law, acquire from the State any State land or interests in State land within the revised boundary of the Park by purchase or exchange.

(2) PLAN.—Not later than 2 years after the date of enactment of this Act, the Secretary shall, in consultation with the State, develop a plan for acquisition of State land or interests in State land identified for inclusion within the revised boundary of the Park.

SEC. 6. ADMINISTRATION. (a) IN GENERAL.—Subject to applicable laws, all land and interests in land acquired under this Act shall be administered by the Secretary as part of the Park.

(b) TRANSFER OF JURISDICTION.—The Secretary shall transfer to the National Park Service administrative jurisdiction over any land under the jurisdiction of the Secretary that—

(1) is depicted on the map as being within the boundaries of the Park; and

(2) is not under the administrative jurisdiction of the National Park Service on the date of enactment of this Act.

(c) GRADING.—

(1) IN GENERAL.—The Secretary shall permit the continuation of grazing on land transferred to the Secretary under this Act, subject to applicable laws (including regulations) and Executive orders.

(2) TERMINATION OF GRADING OR PERMITS.—Nothing in this subsection prohibits the Secretary from accepting the voluntary termination of a grazing permit or grazing lease within the Park.

(d) AMENDMENT TO GENERAL MANAGEMENT PLAN.—Not later than 3 years after the date of enactment of this Act, the Secretary shall amend the general management plan for the Park to address the use and management of any additional land acquired under this Act.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS. Appropriations are authorized to appropriate such sums as are necessary to carry out this Act.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. DASCHLE, Mr. COLEMAN, Mr. HARKIN, Mr. CRAIG, Mr. JOHNSON, Mr. BURNS, Mr. DORGAN, Mr. ROBERTS, Mr. DAYTON, Mr. FITZGERALD, Mrs. LINCOLN, Mr. COCHRAN, Mr. HAGEL, Mr. CONRAD, and Mr. HATCH):
Relief for Farmers and Fisherman Act”, TERFF, with the intention of giving farmers the tools to help themselves. One provision within that Act deals with the payment of dividends on cooperatives’ stock. Today we are introducing a provision of its own to emphasize the importance of changing the dividend allocation rule.

Currently, the dividend allocation rule reduces patronage income when a cooperative pays a dividend on capital stock from non-patronage earnings. This results in the corporation paying two levels of tax to the shareholder the corporation pays tax on the dividend issued and the shareholder makes a corporate deduction which in turn reduces the return of earnings that the patron has already paid taxes on—the result is a triple layer of tax. This rule is inherently unfair to our corporate cooperatives.

Now is the time to finally correct this injustice. The Congress passed this bill in 108th Congress, but it was subsequently vetoed by the President. It was a part of a bill I sponsored the “Tax Empowerment and Relief for Farmers and Fishermen, TERFF, Act” in the 107th, and now it is time for the Senate to pass it again in the 108th. As Chairman of the Finance Committee, I am proud to join with my Ranking Member Max Baucus to introduce the bill to repeal the Dividend Allocation Rule. We have been joined by many of our farm States’ Senators in a truly bipartisan effort to correct this financial injustice.

The time to act is now and this bipartisan legislation will eliminate the adverse tax problem and will help rejuvenate our cooperative networks in Iowa and nearly 3000 of our cooperatives across the America.

By Mr. BINGAMAN (for himself, Mr. ROCKEFELLER, and Mr. BREAUX):

S. 786. A bill to amend the temporary assistance to needy families program under part A of title IV of the Social Security Act to provide grants for transitional jobs programs, and for other purposes; to the Committee on Finance.

Mr. R. BINGAMAN. Mr. President, I rise today to introduce the Business Links Act, on behalf of myself, Senator Rockefeller, and Mr. Breaux.

The Business Links Act is a companion bill to the Education Works Act, which I introduced a short time ago. Both of these bills address the need to support State efforts to use federal funds to combine work for a flexible mix of education, training and other supports. The Business Links Act, more specifically, provides resources to States seeking to implement one of the most effective of these types of programs: transitional jobs programs. These programs provide subsidized, temporary, wage-paying jobs for 20 to 35 hours a week, along with access to job readiness, education and job retention training and services.

Existing transitional jobs programs are achieving great outcomes. Research has shown that 81 percent to 94 percent of those who completed transitional jobs programs went on to unsubsidized jobs with wages, and that most of these individuals moved into full-time employment. Transitional jobs can be particularly effective for the hardest to serve welfare recipients. For people who face barriers, or who lack the skills or experience to compete successfully in the labor market, paid work in a supportive environment, together with access to services provides a real chance to move into stable, permanent employment. Transitional jobs not only help individuals, but communities as well. In providing work opportunities for hard-to-employ individuals, these programs reduce pressure on local emergency systems and decrease government expenditures on health care, food stamps, and cash assistance.

Our legislation also supports “business link” programs that provide individuals with fewer barriers and those who have historically found only very low wage employment with intensive training and skill development activities designed to lead to long-term, higher paid employment. These programs are based on partnerships with the private sector. In my home State, just such a program is producing great results the Teamworks program. During a 12-week course, participants are taught skills in job seeking and employment skills, necessary supports such as childcare and transportation, assistance in their job search efforts and ongoing support for 18 months after job placement. Impressively, the average wage of those completing the program is $1.50 per hour higher than other programs and job retention rates are 20 percent higher.

Additional Federal support for transitional job and business link programs is sorely needed. The Welfare-to-work funds that have previously been used to support these programs are nearly exhausted. In addition, a period of rising caseloads and state budget crises mean we are struggling to fund existing transitional jobs solely with existing TANF funds will be very difficult.

I urge my colleagues to join me in supporting the Business Links Act, which will provide States with the tools they need to implement programs that work. I ask unanimous consent that the text of the bill be printed in the RECORD.
amended to read as follows:

2832), a State, a political subdivision of a
organization, a local workforce investment
that includes, at minimum, employers or
has been developed by and will be imple-
must provide evidence that the application
to qualify as an eligible applicant for pur-
poses of subparagraph (E)(i), the applicant

SECTION 1. SHORT TITLE.

CONGRESSIONAL RECORD — SENATE
April 3, 2003

There being no objection, the text of the
bill was ordered to be printed in the
RECORD, as follows:
S. 766

SEC. 2. TRANSITIONAL JOBS GRANTS.

(a) In general.—In addition to section 403(a)(4) of the Social
Security Act (42 U.S.C. 663(a)(4)), is amended to read as follows:

"(A) IN GENERAL.—The Secretary and the Secretaries of Labor
in this paragraph (in this paragraph referred to as the "Secretaries") jointly
shall award grants in accordance with this para-
graph for projects proposed by eligible appli-
cants based on the following:

"(i) The potential effectiveness of the
project in carrying out the activities
described in subparagraph (E).

"(ii) Evidence of the ability of the eligible applicant
to leverage private, State, and local rec-
source contributions.

"(iii) Evidence of the ability of the eligible applicant
to coordinate with other organiza-
tions at the State and local level.

"(B) DETERMINATION OF ELIGIBLE APPLICANT.—
"(i) IN GENERAL.—In this paragraph, the
term 'eligible applicant' means a nonprofit
organization, a local workforce investment
board established under section 127 of the
232), a State, a political subdivision of a
State, or an Indian tribe.

"(ii) GRANTS TO PROMOTE BUSINESS LINK-
AGES.—

"(I) IN GENERAL.—To promote business
linkages in which funds shall be used to fund
new or expanded programs that are designed
to:

"(aa) substantially increase the wages
of eligible individuals (as defined in subpara-
graph (F)), whether employed or unem-
ployed, who have limited English proficiency
or other barriers to employment by creating
or upgrading job-related skills in par-
tnership with employers, especially by pro-
viding supports and services at or near work
sites; and

"(bb) identify and strengthen career path-
ways by expanding and linking work and
training opportunities for such individuals
in collaboration with employers.

"(I) CONSIDERATION OF IN-KIND, IN-CASH SOURCES.—In determining which programs to fund under this clause, an eligible applicant shall consider the ability of a consortium to pro-
vide funds in-kind or in-cash (including em-
ployer-provided, paid release time) to help
fund under this clause, an otherwise eligible applicant from receiv-
ing separate grants to carry out activities
described in clause (i) or (ii) of subparagraph (E).

"(I) GRANT PERIOD.—The period in which
a grant awarded under this paragraph may
be used shall be specified for a period of not
less than 36 months and not more than 60
months.

"(E) ALLOWABLE ACTIVITIES.—An eligible applicant
awarded a grant under this paragraph shall be provided under the
grant to do the following:

"(i) PROMOTE BUSINESS LINKAGES.—
"(I) IN GENERAL.—To promote business
linkages in which funds shall be used to fund
new or expanded programs that are designed
to:

"(aa) substantially increase the wages
of eligible individuals (as defined in subpara-
graph (F)), whether employed or unem-
ployed, who have limited English proficiency
or other barriers to employment by creating
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viding supports and services at or near work
sites; and

"(bb) identify and strengthen career path-
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training opportunities for such individuals
in collaboration with employers.
to 40 hours per week, may be allowed to participate for more limited hours, but not less than 20 hours per week. In any work week, 50 percent to 80 percent of hours shall be spent in the field and 20 percent to 50 percent of hours shall be spent in education or training, or other services designed to reduce or eliminate any barriers.

(n) Employment or work force shall provide case management services and ensure access to appropriate education, training, and other services, including job accommodation, work support, and employment services appropriate and consistent with an individual plan that is based on the individual's strengths, priorities, supports, abilities, capabilities, career interests, and informed choice and that is developed with each participant. The goal of each participant's plan shall focus on preparation for unsubsidized jobs in demand in the local economy which offer the potential for advancement and growth. Services shall also include job placement assistance and retention services, which may include coaching and work place supports, for 12 months after entry into unsubsidized placement. Participants shall have access to supports such as subsidized child care and transportation, on the same basis as those services are made available to recipients of assistance under the State or tribal program funded under this paragraph who are engaged in work-related activities.

(oo) Participants shall have access to supports such as education, training, and other employment-related services available under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), or the ticket to work and self-sufficiency program established under this Act, to the extent possible, shall provide transitional employment in collaboration with entities providing, or arranging for the provision of, such other supports.

(ff) Not more than 20 percent of the placements for a grantee shall be with a private for-profit company, except that such 20 percent limit may be waived by the Secretary for programs in rural areas when the grantee can demonstrate insufficient public and non-profit worksites. When a placement is made at a private for-profit company, at least 50 percent shall pay 50 percent of program costs (including wages) for each participant, and the company shall demonstrate that the participant into an unsubsidized position at a private for-profit company may be composed of transitional job participants.

(II) APPROVAL OF TRANSITIONAL JOBS PROGRAM.—In this clause, the term 'transitional jobs program' means a program that is intended to serve current and former recipients of assistance under a State or tribal program; With respect to any month in which a recipient is engaging in work-related activities, services under clause (i) for a fiscal year shall remain available where practicable low-cost child care and transportation, on the same basis as the recipient's strengths, priorities, supports, abilities, capabilities, career interests, and informed choice and that is developed with each participant. The nature of education, training, or other services received by the participant, the reason for the participant's leaving the program, and outcomes related to the placement of the participant in an unsubsidized job, including 1-year employment retention, wage at placement, benefits, and earnings progression, as specified by the Secretary.

(II) SUPPORT.—The Secretaries shall—

(a) assist grantees in conducting an assessment required under clause (i) by making available where practicable low-cost means of tracking the labor market outcomes of participants; and

(b) encourage States to provide such assistance.

(III) APPLICATION TO REQUIREMENTS OF THE STATE PROGRAM.—

(I) WORK PARTICIPATION REQUIREMENTS.—With respect to any month in which a recipient of the transitional jobs program funded under this paragraph who satisfactorily participates in a business linkage or placement partnership in accordance with subparagraph (E) that is paid for with funds made available under a grant made under this paragraph, such participation shall be considered as participation in accordance with the requirements of section 407 and be included for purposes of determining monthly participation rates under subsection (b) of that section.

(II) PARTICIPATION NOT CONSIDERED ASSISTANCE.—A benefit or service provided with funds made available under a grant made under this paragraph shall not be considered as assistance for any purpose under a State or tribal program funded under this part.

(I) ASSESSMENTS BY THE SECRETARIES.—

(A) RESERVATION OF FUNDS.—Of the amount appropriated under subparagraph (L) for each of fiscal years 2004 and 2005, $3,000,000 of such amount for each such fiscal year shall be reserved for use by the Secretaries to prepare an interim and final report summarizing and synthesizing outcomes and lessons learned from the programs funded through grants awarded under this paragraph.

(B) INTERIM AND FINAL ASSESSMENTS.—With respect to the reports prepared under clause (i), the Secretaries shall submit—

(1) an interim report not later than 18 months after the date of enactment of the Business Links Act of 2003; and

(2) the final report not later than 6 years after such date of enactment

(K) EVALUATIONS.—

(I) RESERVATION OF FUNDS.—Of the amount appropriated under subparagraph (L) for a fiscal year, an amount equal to 15 percent of such amount for each such fiscal year shall be reserved for use by the Secretaries to evaluate the extent to which payments made under grants made under this paragraph have been effective in promoting sustained, unsubsidized employment for each group of eligible participants, and in improving the skills and wages of participants in comparison to the participants' skills and wages prior to participation in the program.

(II) REQUIREMENTS.—The Secretaries—

(a) may evaluate the extent to which a grantee, as the Secretaries deem appropriate, in accordance with an agreement entered into with the grantee after good-faith negotiations; and

(b) shall include, as appropriate, the following outcome measures in the evaluation performed under this paragraph:

(i) Placements in unsubsidized employment.

(ii) Retention in unsubsidized employment for 6 months and 12 months after initial placement.

(iii) Earnings of individuals at the time of placement in unsubsidized employment.

(iv) Earnings of individuals 12 months after placement in unsubsidized employment.

(v) Wage growth and employment retention in relation to occupations and industries at initial placement in unsubsidized employment and over the first 12 months after initial placement.

(vi) Recipient of cash assistance under the State program funded under this part.

(jj) Average expenditures per participant.

(L) APPROPRIATION.—

(I) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated, there is appropriated for grants under this section, $200,000,000 for each of fiscal years 2004 through 2008.

(II) AVAILABLE.—Amounts appropriated under clause (i) for a fiscal year shall remain available for obligation for 5 fiscal years after the fiscal year in which the amount is appropriated.

(M) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2003.

By Mr. LEAHY (for himself and Mr. KERRY):

S. 787. A bill to provide for the fair treatment of the Federal judiciary relative to compensation and benefits, and to instill greater public confidence in the Federal courts; to the Committee on the Judiciary.
Mr. LEAHY. Mr. President, Senator KERRY and I are pleased to introduce the “Fair and Independent Judiciary Act of 2003.” This legislation arises from our belief that we must remain steadfast in our commitment to preserving the vitality of our third branch of government. Ensuring a fair and independent judiciary is critical to preserving the system of checks and balances established in our Constitution. The Fair and Independent Judiciary Act includes measures to respond to the serious threat to judicial compensation, to realign the link of judicial pay to congressional pay, to improve survivorship benefits, and to instill greater public confidence in our courts.

The National Commission of Public Service, a blue-ribbon panel of experts headed by Paul Volcker, recently concluded that Congress’ budgetary treatment of this co-equal branch threatens its ability to perform its essential mission. This legislation addresses a problem that touches the heart of the judiciary. As a member of the Judiciary Committee and the Appropriations Subcommittee on Commerce, Justice, State and the Judiciary, I have worked hard to help preserve a fair and independent judiciary. I was very disappointed that the Continuing Resolutions approved by Congress failed to give the Federal judiciary a cost-of-living adjustment, COLA, for fiscal year 2003.

Earlier this year, Senator HATCH and I were joined by Senator DEWINE and Senator SPECTER to cosponsor legislation in the Senate to provide the Federal judiciary with a COLA for the present fiscal year. House Judiciary Chairman SENSENBRENNER was joined by that Committee’s Ranking Democratic Member, Congressman CONYERS, and others to introduce identical legislation in the House. This legislation is long overdue brought to our attention—the decline in real judicial salaries.

As a member of both the Senate Judiciary Committee and the Appropriations Subcommittee on Commerce, Justice, State and the Judiciary, I have worked hard to help preserve a fair and independent judiciary. I was very disappointed that the Continuing Resolutions approved by Congress failed to give the Federal judiciary a cost-of-living adjustment, COLA, for fiscal year 2003 but this effort failed to compensate the judiciary for many other previously skipped COLAs.

The Fair and Independent Judiciary Act would correct the earlier failures to provide COLAs and prevent this situation from happening again.

It is important to put our budgetary treatment of this co-equal branch in historical context. In 1975, Congress enacted the Executive Salary Cost-of-Living Adjustment Act, intended to give judges, Members of Congress and other high-ranking Executive Branch officials automatic COLAs as accorded other Federal employees unless rejected by Congress. In 1981, Congress enacted Section 140 of Public Law 97-92, mandating specific congressional action to give COLAs to judges.

Five times in the last decade Congress has failed to give the judiciary a COLA. We believe that this treatment was unfair to the judiciary and that we should restore their salaries to what they would be had the COLAs been granted. In order to have their salaries reflect the current cost of living we should unlink the salaries of Members of Congress and Members of the Judiciary by repealing Section 140.

In their thorough report, the Volcker Commission recommended that Congress unlink judicial salaries from those of Members of Congress. The Commission explained that due to “the reluctance of members of Congress to risk the disapproval of their constituents or the discretion of Executive per- mission to fall substantially behind cost-of-living increases.” Urgent Business for America: Revitalizing the Federal Government for the 21st Century, January 2003, Recommendation 10. Therefore, the Commission found that “executive and judicial salaries must be determined by procedures that tie them to the needs of the government, not the career-related political exigencies of members of Congress.”

The Fair and Independent Judiciary Act would restore the skipped cost of living adjustments that occurred in 1995, 1996, 1997, 1999 and 2002 so that the salaries of our judges and justices are not outpaced by inflation. Chief Justice Rehnquist has called judicial pay “the most pressing issue” facing the courts.

We look forward to Senate consideration of the Fair and Independent Judiciary Act to restore previously skipped cost-of-living adjustments for the Justices and judges of the United States. We hope we can all work together to preserve the vitality of our third branch of government and to instill even greater confidence in our federal courts.

I ask unanimous consent that the January 6, 2003 editorial from the Washington Post, and the text of the bill be printed in the RECORD.

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

MR. REHNQUIST’S PLEAS

Chief Justice William H. Rehnquist made two pleas in his year-end report. Neither is much of a surprise, because on both judicial salaries and the process by which judges get nominated and confirmed Mr. Rehnquist has spoken before. Yet familiarity should not obscure the importance of the subjects. The chief justice is correct, and the failure year after year of the political branches to remedy the problems of which he complains is harmful.

Mr. Rehnquist once again stressed that the need to increase judicial salaries is “the most pressing issue” facing the courts. There is something somewhat shocking about the chief justice of the United States having to beg for the same cost-of-living adjustments for judges that other federal employees get as a matter of course. Congress’s frequent failure in recent years to increase judicial compensation contravenes the promise it made in 1989, when it banned judges from making outside income and promised regular raises in exchange. Between 1989 and 2000, according to one study, real salaries for lower-court judges declined by 25 percent. And while judges’ pay has increased since then, it is not outpaced by inflation.

Mr. Rehnquist notes, very much in doubt.

The problem is that Congress has irresponsibly linked judicial pay to the salaries of members of Congress, who face a political problem whenever they seek to jack up their own paychecks. The judges end up hostage to congressional cowardice. This disparity between their salaries and other lawyer compensation is enormous and growing. This encourages judges to avoid confirmation and provides a substantial disincentive for first-rate people to become federal judges in the first place.

Mr. Rehnquist also gave a timely reminder that the judicial nominations process needs work. The chief justice is one of the few people who has advocated for a reasonable process. Effective of the Chief Justice's initiatives, he writes, there will come a time when [unified government] is not the case, and the judiciary will again suffer the delays of a drawn-out confirmation process. Mr. Rehnquist rightly urged that the political branches use this respite to “fix the underlying problems that have bogged down the . . . process for so many years.” On both pay and nominations, we must only wonder how many more years the chief justice will have to repeat himself before reason prevails.

S. 787

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 “Fair and Independent Federal Judiciary Act of 2003.”

SECTION 2. SALARY ADJUSTMENTS. (a) RESTORATION OF STATUTORY COST-OF-LIVING ADJUSTMENTS.—The annual salaries for justices and judges are the following:

(1) Chief Justice of the Supreme Court, $211,300.

(2) Associate Justices of the Supreme Court, $211,300.

(3) Judges, Court of Appeals, $174,600.

(4) Judges, Court of Military Appeals, $174,600.

(5) Judges, District Court, $164,700.

(6) Judges, Court of Federal Claims, $164,700.

(7) Judges, Court of International Trade, $164,700.

(8) Judges, Tax Court, $164,700.

(9) Judges, Bankruptcy, $151,524.

(b) EFFECTIVE DATE.—This section shall take effect on the first day of the first applicable pay period beginning on or after the date of enactment of this Act.

SECTION 3. REPEAL OF ANNUAL CONGRESSIONAL AUTHORIZATION FOR COST OF LIVING ADJUSTMENT. Section 140 of Public Law 97-92 (28 U.S.C. 462a) is repealed.

SECTION 4. SURVIVOR BENEFITS UNDER JUDICIAL SYSTEM AND OTHER SYSTEMS. (a) CREDITABLE YEARS OF SERVICE.—Section 366 of title 28, United States Code, is amended—

(1) in subsection (k)(3), by striking the colon at the end of clause (i) and substituting “the following” for “and”; and

(2) in subsection (r), by striking the colon at the end of clause (i) and substituting “one” for “and”.

(b) NOTIFICATION PERIOD FOR SURVIVOR ANNUITY COVERAGE.—Section 376 of title 28, United States Code, is amended in the matter following subparagraph (G) by striking “six months” and inserting “1 year”.

Effective DATE.—This section shall take effect on the date of enactment of this Act and apply only to written notifications.
received by the Director of the Administrative Office of the United States Courts after the dates described under clause (i) or (ii) in the matter following subparagraph (G) of section 376 (a) (U) of title 28, United States Code.

SEC. 5. CITIZENS’ COMMISSION ON PUBLIC SERVICE AND COMPENSATION.

(a) Appointment.

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the President shall appoint to the Citizens’ Commission on Public Service and Compensation under section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351 et seq.), a panel of 13 members, who shall be appointed from private life by the President.

(b) Membership.

Section 225(b) of the Federal Salary Act of 1967 (2 U.S.C. 352) is amended—

(A) by striking paragraph (1) and inserting the following:—

‘‘(1) The Commission shall be composed of 11 members, who shall be appointed from private life by the President. No more than 6 members of the Commission may be affiliated with the same political party;'';

(B) by striking paragraph (4); and

(C) by redesignating paragraphs (5) through (8) as paragraphs (4) through (7), respectively.

(2) QUADRENNIAL APPLICATION.—Section 225(b)(8) of the Federal Salary Act of 1967 (2 U.S.C. 352(b)(8)), is amended—

(A) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively; and

(B) by inserting at the end the following:

‘‘(7) the compensation paid to judges appointed under section 455 of title 28, United States Code, for each year, shall be paid annually, and on the first business day of each month, to such judges.''

(3) CONDUCT OF BUSINESS.—The Citizens’ Commission on Public Service and Compensation shall prepare a report in accordance with section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351 et seq.) with respect to fiscal year 2003 and every fourth fiscal year thereafter.

SEC. 6. JUDICIAL EDUCATION FUND.

(a) ESTABLISHMENT.—Chapter 42 of title 28, United States Code, is amended by adding at the end the following:

‘‘§ 630. Judicial Education Fund

‘‘(a) In this section, the term—

‘‘(1) ‘institution of higher education’ has the meaning given under section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a));

‘‘(2) ‘private judicial seminar’—

(A) means a seminar, symposia, panel discussion, or similar event that provides continuing legal education to judges; and

(B) does not include—

(i) seminars that last 1 day or less and are conducted by, and on the campus of, an institute of higher education;

(ii) seminars that last 1 day or less and are conducted by national bar associations or State or local bar associations for the benefit of the bar association membership; or

(iii) seminars of any length conducted by, and on the campus of an institute of higher education or by national bar associations or State or local bar associations, where a judge is a presenter and at which judges constitute less than 25 percent of the participants;

‘‘(2) ‘national bar association’ means a national organization that is open to general membership to all members of the bar; and

‘‘(3) ‘State or local bar association’ means a State or local organization that is open to general membership to all members of the bar in the specified geographic region.

(b) There is established within the United States Treasury a fund to be known as the ‘Judicial Education Fund’ (in this section referred to as the ‘Fund’).

(c) Amounts in the Fund may be made available to the judicial conference of the United States or an arm of the conference for reasonable expenses, including reasonable expenditures for transportation, food, lodging, private judicial seminar fees and materials, incurred by a judge or justice in attending a private judicial seminar approved by the Board of the Federal Judicial Conference. Necessary expenses related to judicial research or preparation or presentation for a reasonable seminar or activity other than that provided to all attendees as an integral part of the private judicial seminar. Any payment made from the Fund shall be approved by the Board.

(d) The Board may approve a private judicial seminar after submission of information by the sponsor that private judicial seminar includes—

‘‘(i) the content of the private judicial seminar (including a list of presenters, topics, and course content);

‘‘(ii) the litigation activities of the sponsor and the presenters at the private judicial seminar (including the litigation activities of the employer of each presenter) on the topic related to those addressed at the private judicial seminar.

‘‘(e) If the Board approves a private judicial seminar, the Board shall make the information submitted under subsection (d) relating to the private judicial seminar available to judges and the public by posting the information on the internet.

‘‘(f) The Judicial Conference shall promulgate guidelines to ensure that the Board only approves private judicial seminars that are conducted in a manner so as to maintain the public’s confidence in an unbiased and fair-minded judiciary.

‘‘(g) Nothing in this section shall be construed to authorize the Board to pay for a judge to attend a private judicial seminar.

SEC. 7. PRIVILEGED OR OFFICIAL SEMINAR GIFTS PROHIBITED.

(a) Definitions.—In this section, the term—

‘‘(1) ‘institution of higher education’ means the Higher Education Act of 1965 (20 U.S.C. 1001(a));

‘‘(2) ‘private judicial seminar’—

(A) means a seminar, symposia, panel discussion, course, or a similar event that provides continuing legal education to judges; and

(B) does not include—

(i) seminars that last 1 day or less and are conducted by, and on the campus of, an institute of higher education;

(ii) seminars that last 1 day or less and are conducted by national bar associations or State or local bar associations for the benefit of the bar association membership; or

(iii) seminars of any length conducted by, and on the campus of an institute of higher education or by national bar associations or State or local bar associations, where a judge is a presenter and at which judges constitute less than 25 percent of the participants;

‘‘(1) the content of the private judicial seminar that includes—

‘‘(2) Federal judges are not the primary audience;''

(b) T ECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 42 of title 28, United States Code, is amended by adding at the end the following:

‘‘§ 630. Judicial Education Fund.”

SEC. 8. RECUSAL LISTS.

Section 455 of title 28, United States Code, is amended by adding at the end the following:

‘‘(2) Each justice, judge, and magistrate of the United States shall maintain a list of all financial interests that would require disqualification under subsection (a)(4) of Section 455 of title 28, United States Code, and shall file the list with the clerk of the court at which the judge or magistrate is assigned.''

SEC. 9. AVOIDING IMPROPERITY AND THE APPEARANCE OF IMPROPERITY IN ALL ACTIVITIES.

In accordance with the Code of Conduct for United States judges, a judge must avoid all improperity and appearance of improperity. The prohibition against behaving with impropriety applies to both the professional and personal conduct of a judge. Therefore, a judge should not hold membership in any organization, except for related fraternal organizations, that practices discrimination on the basis of race, gender, religion, or national origin.

By Mr. HOLLINGS (for himself, Mr. BROWNBACK, Mr. ROCKEFELLER, Mr. INOUYE, Ms. CANTWELL, and Mr. KERRY).

S. 798. A bill to authorize the United States to maintain its leadership in aeronautics and aviation; and to the Committee on Commerce, Science, and Transportation.

Mr. HOLLINGS. Mr. President, I rise today to address a crucial issue that is affecting our competitiveness in the world economy. Since that first flight in 1903 when the Wright brothers took off on our great journey, the United States has piloted the course of aerospace and space technology development. Now that leading role is being threatened. The European Union has embarked on an ambitious plan to dominate the industry that historically we have led. Last year, for the first time, Airbus surpassed Boeing, by grabbing 54 percent of the market share in terms of aircraft units.

Air travel is critical to our competitiveness in the global economy. The movement of passengers and goods throughout our nation feeds American business and keeps us close to our families and friends. The impact of civil aviation on the U.S. economy exceeds $900 billion a year, which is 9 percent of
the Gross National Product. In terms of jobs, civil aviation employs 11 million Americans. We cannot sit idle as this important industry is threatened.

To compete we must have the most advanced and safest technology; yet the Air Traffic Management System in the United States is still reliant on ground-based technology that was developed over 30 years ago. Congress, FAA, NASA and the aviation industry must work together to update this system to accommodate future aviation demand and to take advantage of satellite navigation and advances in aircraft avionics. Historically upgrades to air traffic management have been slow and often come in over budget. We must focus on creating the next generation of air traffic management technology in a more efficient and effective manner that will enhance safety and increase capacity.

Aerospace and aviation advancement are also dependent upon a well-trained and skilled workforce. According to the Commission Report on Aerospace, 26 percent of the science, engineering and manufacturing workforce will be eligible to retire in the next five years. New entrants to the aerospace industry are at a historic low as the number of layoffs have increased. In order to maintain our dominance in aerospace, we must continue to foster a qualified workforce.

Our international competitors have been persistent in providing government support to aerospace research and aeronautical advancement. The subsidies offered by our foreign competitors, hinder the U.S. companies that often bear the majority of the burden for research and development. In order to give our companies a competitive advantage and to ensure that advancements in aviation and aerospace technology continue, Congress must invest ample resources in fundamental aeronautics research.

The President's 2004 budget proposal cuts investment in FAA and NASA research, engineering and development. This will only hasten our descent in this industry. During this time of competing interests for the Federal dollar we cannot be too quick to divert ourselves from needed research that will renew our aviation business and maintain our global dominance.

To turn an idea into a product, the process is often tedious and long. NASA and FAA must promote technological advancement and enable American industry to bring their products to market. Collaboration with government and industry is critical to ensure that research efforts lead to viable products that will enhance our aerospace and aviation industry.

As we reflect on the last 100 years of advancement in the aviation and aerospace fields we cannot help to be proud of our accomplishments. But, we cannot afford to be content with those successes. We must look higher, faster, and farther than we have before—that is the American prerogative. And so with the help of my colleagues Senators Brownback, Rockefeller, Inouye, Cantwell and Kerry, I have crafted legislation to increase aeronautical research, nurture our industry's workforce, and ensure a collaborative effort between government and private industry with the goal of ensuring the "Second Century of Flight" is as exciting and awe inspiring as the first.

By Mr. Nelson of Florida (for himself and Mrs. Boxer):

S. 789. A bill to change the requirements for naturalization through service in the Armed Forces of the United States; to the Committee on the Judiciary.

Mr. NELSON, of Florida. Mr. President, I rise on behalf of myself and Mrs. BOXER to introduce the Citizenship for Service Members Act of 2003. This legislation reduces the waiting period for service members during peace time from 3 years to 2 years, waives all fees related to naturalization, and allows for naturalization proceedings to occur overseas.

Everyday we see our young men and women fighting and dying in Iraq and Afghanistan to protect freedom and democracy. One of the strengths of our military has always been its diversity. From the birth of our Nation, our military has attracted people from all walks of life, including people who have immigrated to the United States to pursue freedom, prosperity, and security.

Young men and women join the military in the hopes of achieving a better life while serving our country in the most difficult and honorable way. These young people enjoy various benefits for volunteering to protect American citizens such as assistance with college tuition, a secure and rewarding career in the military, and for some, the hope of gaining American citizenship.

Non-citizens fighting in our military side by side with American citizens is a tradition that dates back to the Civil War, when recently arrived Irish immigrants fought for the Union. After World Wars I and II over 140,000 legal permanent resident participants gained citizenship. Currently there are 3,400 legal permanent residents in the Marines alone who have been deployed overseas. Further, Miami, FL and Los Angeles, CA contribute the second and third highest number of legal permanent residents to the military.

Under current law, in the absence of an Executive Order eliminating the time of service requirement altogether, men and women may apply for citizenship after completing three years of service. This legislation would shorten that period to 2 years making it more likely that the service member will gain citizenship before finishing his first term. Additionally, this legislation waives all fees related to naturalization eliminating a possible financial barrier. Finally, this bill allows for service members to complete the naturalization process overseas eliminating the sometimes unnecessarily lengthy and expensive trips back to the United States.

Citizenship is a momentous honor and we must give every person who immigrates to the United States. Naturalization is especially critical to the thousands of young men and women who are placing their lives at risk every day to defend the citizens and ideals of the United States. These brave men and women deserve citizenship so that they can become a recognized member of the country that they have chosen to defend.

In addition, citizenship confers certain benefits upon servicemen and women. For example, while a legal permanent resident may enlist in the United States military, he or she is barred from becoming a commissioned officer, obtaining positions that require security clearances, becoming a member of any armed force or rising to the level of special operations.

We continue to see the great sacrifices these young men and women make on a daily basis. There is no greater show of patriotism than to join our armed forces to fight under the American flag. Over 30,000 men and women from countries ranging from Canada to Japan to Cuba have volunteered to put their lives on the line to defend the United States. We owe it to these brave men and women to help them obtain the citizenship they have clearly earned.

I ask unanimous consent that the text of this legislation be printed in the Record.

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

S. 789

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 "Citizenship through Service Act of 2003".

SEC. 2. REQUIREMENTS FOR NATURALIZATION THROUGH SERVICE IN THE ARMED FORCES OF THE UNITED STATES.

(a) REDUCTION OF PERIOD FOR REQUIRED SERVICE.—Section 338(a) of the Immigration and Nationality Act (8 U.S.C. 1439(a)) is amended by striking "three years" and inserting "two years".

(b) PROHIBITION ON IMPOSITION OF FEES RELATING TO NATURALIZATION.—Title III of the Immigration and Nationality Act (8 U.S.C. 301 et seq.) is amended—

(i) in section 328(b)—

(A) in paragraph (3)—

(1) by striking "honorable. The" and inserting "honorable (the); and"

(2) by striking "(discharge); and"; and

(ii) by striking "(discharge)" and inserting "(service); and"

(B) by adding at the end following: "(4) notwithstanding any other provision of law, no fee shall be charged or collected from the applicant for filing a petition for naturalization or for the issuance of a certificate of naturalization upon citizenship being granted to the applicant, and no clerk of the State court shall charge or collect any fee for such services unless the laws of the State require such charge to be made, in
which case nothing more than the portion of the fee required to be paid to the State shall be charged or collected.”; and
(2) in section 208(b)—
(A) in paragraph (2), by striking “and” at the end;
(B) in paragraph (3), by striking the period at the end and inserting “; and”;
(C) by striking at the end of subsection (b)—
“(4) notwithstanding any other provision of law, no fee shall be charged or collected from the applicant for filing a petition for naturalization for the issuance of a certificate of naturalization upon citizenship being granted to the applicant, and no clerk of any State court shall charge or collect any fees for such services unless the laws of the State require such charge to be made, in which case nothing more than the portion of the fee required to be paid to the State shall be charged or collected.”;
(c) NATURALIZATION PROCEEDINGS OVERSEAS FOR MEMBERS OF THE ARMED FORCES.—Notwithstanding any other provision of law, the Secretary of Homeland Security, the Secretary of State, and the Secretary of Defense shall ensure that any applications, interviews, filings, oaths, ceremonies, or other proceedings under title II of the Immigration and Nationality Act (8 U.S.C. 1301 et seq.) relating to naturalization of members of the Armed Forces are available through United States embassies, consulates, and as practicable, United States military installations overseas.
(d) TECHNICAL AND CONFORMING AMENDMENTS.—
(1) Title VI of the Immigration and Nationality Act (8 U.S.C. 1430(b)) is amended by striking “Secretary General” and inserting “Secretary of Homeland Security”;

By Mr. LUGAR:
S. 790. A bill to authorize appropriations for the Department of State for fiscal years 2004 and 2005, to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005, and for other purposes; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, by request, I introduce for appropriate reference a bill entitled the Foreign Relations Authorization Act, Fiscal Years 2004 and 2005.

This proposed legislation has been requested by the Department of State and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as to make any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD, together with a section-by-section analysis of the bill and the letter from the Assistant Secretary of State for Legislative Affairs dated April 2, 2003.

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

SEC. 2. ORGANIZATION OF ACT INTO TITLES; TABLE OF CONTENTS.
(a) TITLES.—This Act is organized into eight Titles as follows:

TITLE I—AUTHORIZATION OF APPROPRIATIONS
TITLE II—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES
TITLE III—FOREIGN MILITARY FINANCING, NATIONAL MILITARY EDUCATION AND TRAINING, AND NON-PROLIFERATION, ANTI-TERRORISM, DEMINING, AND RELATED PROGRAMS
TITLE IV—SECURITY ASSISTANCE
TITLE V—SUPPORTING THE WAR ON TERRORISM
TITLE VI—SECURITY ASSISTANCE FOR INTERNATIONAL PARENTAL CHILD ABDUCTION PREVENTION ACT OF 2003
TITLE VII—MISCELLANEOUS PROVISIONS

Subtitle A—Streamlining Reporting Requirements
Subtitle B—Other Matters

(b) The table of contents for this Act is as follows:

Sec. 1. Short Title
Sec. 2. Organization of Act into Titles; Table of Contents

Sec. 101. Administration of Foreign Affairs
Sec. 102. International Organizations and Activities
Sec. 103. International Commissions
Sec. 104. Migration and Refugee Assistance
Sec. 105. Centers and Foundations
Sec. 106. Repeal of Recertification Requirement for Senior Foreign Service
Sec. 107. Cost of Living Allowances
Sec. 108. Waiver of Anti-Terrorism Limitations on Re-Employed Foreign Service Annuitants
Sec. 109. Fellowship of Hope Program
Sec. 110. Child Support
Sec. 111. Suspension or Enforced Leave
Sec. 112. Home Leave
Sec. 113. Ombudsman for the Department of State
Sec. 114. Repeal of Certification Requirement for Senior Foreign Service
Sec. 115. Raasing the Cap on Peacekeeping Contributions
Sec. 116. Supporting the War on Terrorism
Sec. 117. Designation of Foreign Terrorist Organizations
Sec. 118. Security Assistance
Sec. 119. Restrictions on Economic Support Funds for Lebanon
Sec. 120. Thresholds for Congressional Notification of FMS and Commercial Arms Transfers
Sec. 121. Bilateral Agreement Requirements Relating to Licensing of Defense Exports
Sec. 122. Authorizations of Appropriations—Foreign Military Financing, International Military Education and Training, and Non-Proliferation, Anti-Terrorism, Deminining, and Related Programs
Sec. 123. Cooperative Threat Reduction Program
Sec. 124. Congressional Notification for Comprehensive Defense Export Authorizations
Sec. 125. Expansion of Authorities for Loan of Material, Supplies, and Equipment for Research and Development
Sec. 126. Establish Dollar Threshold for Congressional Notification of Exceptional Defense Articles that are Significant Military Equipment
Sec. 127. Waiver of Net Proceeds Resulting from Disposal of U.S. Defense Articles Provided to a Foreign Country on a Grant Basis
Sec. 128. Transfer of Certain Obsolete or Surplus Defense Articles in the War Reserve Stockpiles for Allies or Israel
Sec. 129. Additions to U.S. War Reserve Stockpiles for Allies
Sec. 130. Provision of Cataloging Data and Services
Sec. 131. Provision to Exercise Waivers with Respect to Pakistan

TITLE VII—INTERNATIONAL PARENTAL CHILD ABDUCTION PREVENTION ACT OF 2003

Sec. 301. Short Title
Sec. 302. Inadmissibility of Aliens Supporting International Child Abductors and Relatives of Such Abductors

TITLE VIII—MISCELLANEOUS PROVISIONS

Sec. 401. Raising the Cap on Peacekeeping Contributions
Sec. 402. Supporting the War on Terrorism
Sec. 403. Designation of Foreign Terrorist Organizations
Sec. 404. Security Assistance
Sec. 405. Restrictions on Economic Support Funds for Lebanon
Sec. 406. Thresholds for Congressional Notification of FMS and Commercial Arms Transfers
Sec. 407. Bilateral Agreement Requirements Relating to Licensing of Defense Exports
Sec. 408. Authorizations of Appropriations—Foreign Military Financing, International Military Education and Training, and Non-Proliferation, Anti-Terrorism, Deminining, and Related Programs
Sec. 409. Cooperative Threat Reduction Program
Sec. 410. Congressional Notification for Comprehensive Defense Export Authorizations
Sec. 411. Expansion of Authorities for Loan of Material, Supplies, and Equipment for Research and Development
Sec. 412. Establish Dollar Threshold for Congressional Notification of Exceptional Defense Articles that are Significant Military Equipment
Sec. 413. Waiver of Net Proceeds Resulting from Disposal of U.S. Defense Articles Provided to a Foreign Country on a Grant Basis
Sec. 414. Transfer of Certain Obsolete or Surplus Defense Articles in the War Reserve Stockpiles for Allies or Israel
Sec. 415. Additions to U.S. War Reserve Stockpiles for Allies
Sec. 416. Provision of Cataloging Data and Services
Sec. 417. Provision to Exercise Waivers with Respect to Pakistan

TITLE VII—INTERNATIONAL PARENTAL CHILD ABDUCTION PREVENTION ACT OF 2003

Sec. 501. Designation of Foreign Terrorist Organizations
Sec. 502. Security Assistance
Sec. 503. Restrictions on Economic Support Funds for Lebanon
Sec. 504. Thresholds for Congressional Notification of FMS and Commercial Arms Transfers
Sec. 505. Bilateral Agreement Requirements Relating to Licensing of Defense Exports
Sec. 506. Authorizations of Appropriations—Foreign Military Financing, International Military Education and Training, and Non-Proliferation, Anti-Terrorism, Deminining, and Related Programs
Sec. 507. Cooperative Threat Reduction Program
Sec. 508. Congressional Notification for Comprehensive Defense Export Authorizations
Sec. 509. Expansion of Authorities for Loan of Material, Supplies, and Equipment for Research and Development
Sec. 510. Establish Dollar Threshold for Congressional Notification of Exceptional Defense Articles that are Significant Military Equipment
Sec. 511. Waiver of Net Proceeds Resulting from Disposal of U.S. Defense Articles Provided to a Foreign Country on a Grant Basis
Sec. 512. Transfer of Certain Obsolete or Surplus Defense Articles in the War Reserve Stockpiles for Allies or Israel
Sec. 513. Additions to U.S. War Reserve Stockpiles for Allies
Sec. 514. Provision of Cataloging Data and Services
Sec. 515. Provision to Exercise Waivers with Respect to Pakistan

TITLE VII—INTERNATIONAL PARENTAL CHILD ABDUCTION PREVENTION ACT OF 2003

Sec. 601. Transfer of Certain Obsolete or Surplus Defense Articles in the War Reserve Stockpiles for Allies or Israel
Sec. 602. Additions to U.S. War Reserve Stockpiles for Allies
Sec. 603. Provision of Cataloging Data and Services
Sec. 604. Provision to Exercise Waivers with Respect to Pakistan

TITLE VII—INTERNATIONAL PARENTAL CHILD ABDUCTION PREVENTION ACT OF 2003

Sec. 701. Short Title
Sec. 702. Inadmissibility of Aliens Supporting International Child Abductors and Relatives of Such Abductors

TITLE VIII—MISCELLANEOUS PROVISIONS

Sec. 801. Reports on Benchmarks for Bosnia
Sec. 802. Report Concerning the German Foundation “Remembrance, Responsibility, and the Future”
Sec. 803. Report on Progress in Burma
Sec. 804. Reports on Activities in Colombia
Sec. 805. Report on Extradition of Narcotics Traffickers
Sec. 806. Report on Terrorist Activity in Which United States Citizens Were Killed and Related Matters
Sec. 807. Report and Waiver Regarding Embassy in Jerusalem
Sec. 808. Report on Progress toward Regional Nonproliferation
Sec. 809. Report on Annual Estimate and Justification for Sales Program
Sec. 810. Report on Foreign Military Training
Sec. 811. Report on Human Rights Violations by IMET Participants
Sec. 812. Report on Development of the European Security and Defense Identity (ESDI) Within the NATO Alliance
Sec. 813. Report on Transfers of Military Equipment and Entities of Concern
Sec. 814. Nuclear Reprocessing Transfer
Sec. 815. Report on Development of the European Security and Defense Identity (ESDI) Within the NATO Alliance
Sec. 816. Report on Transfers of Military Equipment and Entities of Concern
Sec. 817. Nuclear Reprocessing Transfer
Sec. 818. Report on Development of the European Security and Defense Identity (ESDI) Within the NATO Alliance
Sec. 819. Report on Transfers of Military Equipment and Entities of Concern
Sec. 820. Nuclear Reprocessing Transfer
Sec. 821. Complex Foreign Contingencies

TITLE I—AUTHORIZATION OF APPROPRIATIONS

The following amounts are authorized to be appropriated for the Department of State under “Administration of Foreign Affairs” to carry out the authorities, functions, duties, and responsibilities with respect to foreign affairs of the United States and for other purposes authorized by law:
(1) DIPLOMATIC AND CONSULAR PROGRAMS.—For "Diplomatic and Consular Programs" of the Department of State $4,163,544,000 for the fiscal year 2004, and such sums as may be necessary for the fiscal year 2005.

(A) WORLDWIDE SECURITY UPGRADATIONS.—Of the amounts authorized to be appropriated by subparagraph (1), $616,701,000 for the fiscal year 2004, and such sums as may be necessary for the fiscal year 2005 are authorized to be appropriated only for worldwide security upgradations.

(CAPITAL INVESTMENT FUND.—For "Capital Investment Fund" of the Department of State, $257,000,000 for the fiscal year 2004, and such sums as may be necessary for the fiscal year 2005.

(2) EMBASSY SECURITY, CONSTRUCTION AND MAINTENANCE.—For "Embassy Security, Construction and Maintenance," $1,514,400,000 for the fiscal year 2004, and such sums as may be necessary for the fiscal year 2005.

(3) EMBASSY SECURITY, CONSTRUCTION AND MAINTENANCE.—For "Embassy Security, Construction and Maintenance," $1,514,400,000 for the fiscal year 2004, and such sums as may be necessary for the fiscal year 2005.

(4) EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—For "Educational and Cultural Exchange Programs," $345,346,000 for the fiscal year 2004, and such sums as may be necessary for fiscal year 2005.

(5) REPRESENTATION ALLOWANCES.—For "Representation Allowances," $9,000,000 for the fiscal year 2004, and such sums as may be necessary for fiscal year 2005.

(6) DEVELOPMENT OF FOREIGN MISSIONS AND OFFICIALS.—For "Protection of Foreign Missions and Officials," $10,000,000 for the fiscal year 2004 and such sums as may be necessary for the fiscal year 2005.

(7) EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE.—For "Emergencies in the Diplomatic and Consular Service," $1,000,000 for the fiscal year 2004, and such sums as may be necessary for the fiscal year 2005.

(8) REPATRIATION LOANS.—For "Repatriation Loans for the Fiscal Year 2004," and such sums as may be necessary for the fiscal year 2005.

(9) PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN.—For "Payment to the American Institute in Taiwan," $19,773,000 for the fiscal year 2004, and such sums as may be necessary for fiscal year 2005.

(10) OFFICE OF THE INSPECTOR GENERAL.—For "Office of the Inspector General," $31,703,000 for the fiscal year 2004, and such sums as may be necessary for the fiscal year 2005.

SEC. 102. INTERNATIONAL ORGANIZATIONS AND CONFERENCES.

(a) ASSESSMENTS TO INTERNATIONAL ORGANIZATIONS.—There are authorized to be appropriated for "Contributions to International Organizations," $1,010,463,000 for the fiscal year 2004, and such sums as may be necessary for the fiscal year 2005, for the Department of State to carry out the authorities, functions, duties, and responsibilities of the United States with respect to international organizations and to carry out other authorities in law consistent with such purposes.

(b) CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES.—There are authorized to be appropriated for "Contributions for International Peacekeeping Activities," $550,200,000 for the fiscal year 2004, and such sums as may be necessary for the fiscal year 2005, for the Department of State to carry out the authorities, functions, duties, and responsibilities of the United States with respect to international peacekeeping activities and to carry out other authorities in law consistent with such purposes.

(c) FOREIGN CURRENCY EXCHANGE RATES.—In addition, there are authorized to be appropriated pursuant to this paragraph are authorized to be available until expended.

SEC. 103. INTERNATIONAL COMMISSIONS.

The following amounts are authorized to be appropriated under "International Commissions" of the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes as hereinafter provided for the fiscal year 2005:

(a) INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO.—For "International Boundary and Water Commission, United States and Mexico," $31,562,000 for the fiscal year 2004, and such sums as may be necessary for the fiscal year 2005;

(b) INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND CANADA.—For "International Boundary Commission, United States and Canada," $1,261,000 for the fiscal year 2004 and such sums as may be necessary for the fiscal year 2005;

(c) INTERNATIONAL JOINT COMMISSION.—For "International Joint Commission," $7,810,000 for the fiscal year 2004 and such sums as may be necessary for the fiscal year 2005;

(d) INTERNATIONAL FISHERIES COMMISSIONS.—For "International Fisheries Commissions," $36,000,000 for the fiscal year 2004 and such sums as may be necessary for the fiscal year 2005;

SEC. 104. MIGRATION AND REFUGEE ASSISTANCE.

There are authorized to be appropriated for "Migration and Refugee Assistance" for authorized activities $760,197,000 for the fiscal year 2004 and such sums as may be necessary for the fiscal year 2005.

SEC. 105. CENTERS AND FOUNDATIONS.

(a) ASIA FOUNDATION.—There are authorized to be appropriated for "The Asia Foundation," $49,302,000 for the fiscal year 2004 and such sums as may be necessary for the fiscal year 2005.

(b) NATIONAL ENDOWMENT FOR DEMOCRACY.—There are authorized to be appropriated for the "National Endowment for Democracy," $13,460,000 for the fiscal year 2004 and such sums as may be necessary for the fiscal year 2005.

SEC. 106. CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.

There are authorized to be appropriated for the "Center for Cultural and Technical Interchange Between East and West," $1,149,111,000 for the fiscal year 2004 and such sums as may be necessary for the fiscal year 2005.

SEC. 201. REIMBURSEMENT RATE FOR AIRLIFT SERVICES PROVIDED TO THE DEPARTMENT OF STATE.

Section 262(a)(10) of the U.S.C. 262(a) is amended by inserting "after "Central Intelligence AGENCY"." after "Central Intelligence AGENCY.".

SEC. 202. GRANT AUTHORITY TO PROMOTE BIO-TECHNOLOGY.

The Secretary of State is authorized to support, by grants, cooperative agreements or contract, outreach and public diplomacy activities, to enhance the export of cultural and technical activities, biotechnology, science-based regulatory systems, and the application of the technology for trade and development. Except as otherwise specifically authorized, the total amount of grants made in any one fiscal year pursuant to this authority shall not exceed $25,000,000.

SEC. 203. IMMEDIATE RESPONSE FACILITIES.

(a) Section 604(b) of the Secure Embassy Construction and Counterterrorism Act of 1999, 22 U.S.C. 2460b (note) amends by:

(1) redesignating subsection (b)(1) as ("b)(1)(A)" and by redesignating subsection (b)(2) as ("b)(1)(B)" and;

(2) by deleting the period after the words "set forth in section 606" at the end of subsection (b), and adding the following: "or otherwise making funds available for the deployment of immediate response efforts in times of emergency.";

(b) The Foreign Service Buildings Act of 1956 (P.L. 95–196, 22 U.S.C. 232 et seq.) is amended by adding the following new section at the end: "Sec. 13. Of the amounts appropriated to carry out the Foreign Service Buildings Act of 1956 and the Secure Embassy Construction and Counterterrorism Act of 1999, not to exceed $15,000,000 in any fiscal year may be made available to the Department of State to carry out the authorities, functions, duties, and responsibilities of the United States with respect to the deployment of immediate response facilities."

SEC. 204. MINE ACTION PROGRAMS GRANT AUTHORITY.

The Secretary of State is authorized to support public-private partnerships for mine action programs by grant, cooperative agreement, or contract. Except as otherwise specifically authorized, the total amount of grants made in any one fiscal year pursuant to this authority shall not exceed $450,000.

SEC. 205. THE U.S. DIPLOMACY CENTER.

Title I of the Department State Basic Authorities Act of 1996 (22 U.S.C. 2651a et. seq.) is amended by adding the following new section:

"Sec. 59. THE U.S. DIPLOMACY CENTER.

(a) ACTIVITIES.—

(1) The Secretary of State is authorized to provide—by contract, grant, or otherwise—for appropriate museum visitor and educational outreach services, including but not limited to, organizing conference activities, maintaining a gift shop, and providing a public exhibit and related space utilized by the U.S. Diplomacy Center ("USDC") program.

(2) The Secretary of State may pay all reasonable expenses of conference activities conducted by the USDC, including refreshments and travel of participants.

(3) Any revenues generated under the authority of paragraph (1) for visitor services may be retained and credited to any appropriate Department of State appropriation to recover the costs of operating the USDC.

(b) DISPOSITION OF USDC ARTIFACTS AND MATERIALS.—

(1) All historic documents, artifacts or other articles permanently acquired by the Department of State and determined by the Secretary of State to be suitable for display in the USDC shall be considered to be the..."
Congressional Record — Senate

SEC. 302. WAIVER OF ANNUITY LIMITATIONS ON REEMPLOYMENT FOR FOREIGN SERVICE ANNUITANTS.

(a) Section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 2669(g)) is amended to read as follows:

"(g) The Secretary may waive the application of paragraphs (a) through (d) of this section, on a case by case basis, for an annuitant re-employed on a temporary basis—

(i) if, and so for long as, the authority is necessary due to an emergency involving a direct threat to life or property or other unusual circumstances; or

(ii) in positions for which there is exceptional difficulty in recruiting or retaining a qualified employee."
TITLE V—REVIEWING THE WAR ON TERRORISM

SEC. 501. DESIGNATION OF FOREIGN TERRORIST ORGANIZATIONS.

Section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) is amended as follows:

(a) DURATION OF DESIGNATION.—

(i) in subparagraph 219(a)(4)(A), by striking the words "for a period of 2 years" and adding "as set forth in paragraph (2)(B)" and by adding the words "for a period of 2 years beginning on the effective date of the designation under paragraph (c)"; (ii) by striking paragraph (5) or (6) set aside pursuant to subparagraph (c) in lieu thereof; and (iii) by revising subparagraph 219(a)(4)(B) to read as follows:

"(B) Review of designations upon petition.—

(i) In general.—The Secretary shall review the designation of a foreign terrorist organization under the procedures set forth in paragraphs (5) or (6) if the designated organization has previously filed a petition for revocation within the period beginning on the date of designation and ending 30 days after the designation has been published in the Federal Register and the provisions of subparagraphs (a)(2)(B) and (a)(2)(C) shall apply. The procedures and rules set forth in paragraphs (a)(4), (5), (6), (7), and (8) shall also apply to amended designations.

(ii) Procedures.—Any foreign terrorist organization that submits a petition under this subparagraph must provide evidence in that petition as to why it believes the circumstances described in paragraph (1) no longer exist with respect to the organization.

(iii) The Secretary shall complete his or her review of any petition from a designated organization that is filed within the petition period and shall make a determination concerning revocation of the designation within 180 days after receiving the petition. The Secretary may consider classified information in making a determination in response to a petition and shall not be subject to disclosure for such time as it remains classified, except that such information may be disclosed to a court ex parte for purposes of an ex parte official review under subsection (c). A determination under this clause shall be published in the Federal Register, and any revocation or termination under this clause shall be published in the Federal Register and the provisions of subparagraphs (a)(2)(B) and (a)(2)(C) shall apply. The procedures and rules set forth in paragraphs (a)(4), (5), (6), (7), and (8) shall also apply to amended designations.

(iv) The administrative record may be amended to include such new or additional names and other relevant information to support the amendment.

(v) The Secretary may consider classified information in making an amendment under this subsection. Classified information shall not be subject to disclosure for such time as it remains classified, except that such information may be disclosed to a court ex parte and in camera for purposes of judicial review under subsection (c).

(c) Technical Amendments.—

(i) In subparagraph 219(a)(3)(B), by changing "subsection (b)" to "subsection (c)".

(ii) In subsection 219(c)(1), as amended by this section, by striking the phrase after "published in the United States Court of Appeals" and inserting "in the Federal Register of a designation, an amended designation, or a determination in response to a petition for revocation, the designated organization may seek judicial review in the United States in lieu thereof.

(iii) In subsection 219(c)(2), (3), and (4), as amended by this section, by changing "amendments to designation, or a determination" after "designation" wherever it occurs.

(d) Savings Provision.—The term "designated organization" as used in paragraphs (2) and redesignations made pursuant to subparagraph 219(a)(4) prior to the effective date of this Act, and such redesignations shall continue to be effective and be provided as provided in paragraphs (5) or (a)(6).

TITLE VI—SECURITY ASSISTANCE

SEC. 601. RESTRICTIONS ON ECONOMIC SUPPORT FUNDS FOR LEBANON.

Section 3220 of the Foreign Relations Authorization Act, Fiscal Year 2003 is amended by adding after "lapses.”: "c. Exception.—Subsection (a) shall not apply to such assistance for grants subject to the restrictions set forth therein that is made available to address the water needs of Southern Lebanon.

SEC. 602. THRESHOLDS FOR CONGRESSIONAL NOTIFICATION OF FMS AND COMMERCIAL ARM'S TRANSFERS.

The Arms Export Control Act is amended—

(a) in section 36(b), by—

(1) in paragraph (1),—

(A) by striking "Subject to paragraph 6, in", and inserting "in lieu thereof"; and

(B) by striking "$14,000,000" and inserting in lieu thereof "$100,000,000";

(c) by striking "$50,000,000" and inserting in lieu thereof "$250,000,000"; and

(D) by striking "$200,000,000" and inserting in lieu thereof "$500,000,000"; and

(E) by inserting "and in any case in which the President concludes doing so would be appropriate," before "then the President shall submit"; and

(2) in paragraph 5(c)—

(A) by striking "Subject to paragraph 5, "if", and inserting in lieu thereof "If";

(B) by striking "$14,000,000" and inserting in lieu thereof "$100,000,000"; and

(C) by striking "$50,000,000" and inserting in lieu thereof "$200,000,000"; and

(D) by striking "$200,000,000" and inserting in lieu thereof "$500,000,000"; and

(E) by inserting "and in any case in which the President concludes doing so would be appropriate," before "then the President shall submit"; and

(3) by striking paragraph (6); and

(b) in section 36(c)—

(1) in paragraph (1)—

(A) by striking "Subject to paragraph 5, in", and inserting in lieu thereof "In";

(B) by striking "$14,000,000" and inserting in lieu thereof "$100,000,000";

(C) by striking "$50,000,000" and inserting in lieu thereof "$200,000,000";

(D) by striking "$200,000,000" and inserting in lieu thereof "$500,000,000"; and

(E) by inserting "and in any case in which the President concludes doing so would be appropriate," before "before issuing such license"; and,

(2) in paragraph 2 by striking "(A) and (B)" and inserting in lieu thereof "(A), (B) and (C)

(3) by striking paragraph (5); and

(c) in section 3d—

(1) in paragraphs (1) and (3)(A) by striking "Subject to paragraph 5, the", and inserting in lieu thereof "The";

(2) in paragraph (1) and (3)(A) by striking "$14,000,000" and inserting in lieu thereof "$100,000,000";

(3) in paragraph (1) and (3)(A) by striking "$50,000,000" and inserting in lieu thereof "$200,000,000"; and

(4) by striking paragraph (5).

SEC. 603. BILATERAL AGREEMENT REQUIREMENTS RELATING TO LICENSING OF DEFENSE EXPORTS.

The Arms Export Control Act is amended in section 38(b) as follows:

(a) by adding a new paragraph (5):

"(5) Waiver.—Any of the requirements for a bilateral agreement set forth in paragraph (2) may be waived if the President determines that to do so is important to the national security interests, in particular the foreign policy, of the United States, and, prior to exercising this authority, provides notification to the appropriate congressional committees of his intent to exercise this authority, the justification for, and the extent of the exercise of this authority. The certification requirement of paragraph (3)(A) may be met where the President has exercised this authority;"

(b) by adding a new paragraph (4)(C):

"(C) United States origin defense items. The term "United States origin defense items" means those defense items that would be exempt from United States defense export licensing requirements under an anti-terrorism country exemption extended in accordance with the authority of this sub-section."

SEC. 604. AUTHORIZATION OF APPROPRIATIONS.

(a) Grants Under Arms Export Control Act.—There is authorized to be appropriated to the President for grant assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763) and for the subsidy cost, as defined in section 502(b) of the Federal Credit Reform Act of 1990, of direct loans under such section $4,414,000,000 for fiscal year 2004
and such sums as may be necessary for FY 2005.

(b) INTERNATIONAL MILITARY EDUCATION AND TRAINING.—There is authorized to be appropriated for Operations and Maintenance, Defense-wide, $272,000,000 for each of the fiscal years 2005 and 2006.

(c) NONPROLIFERATION, ANTI-TERRORISM, DEMINING, AND RELATED PROGRAMS.—There is authorized to be appropriated under "Non-Proliferation, Anti-Terrorism, Demining, and Related Programs" $385,200,000 for fiscal year 2005 and such sums as may be necessary for fiscal year 2006.

SEC. 605. COOPERATIVE THREAT REDUCTION PERMANENT WAIVER.

(a) AUTHORITY TO WAIVE RESTRICTIONS AND ELIGIBILITY REQUIREMENTS.—If the President submits the certification and report described in subsection (b) with respect to an independent state of the former Soviet Union for a fiscal year—

(1) the restrictions in subsection (d) of section 1203 of the Cooperative Threat Reduction Act of 1993 (22 U.S.C. 8052) shall cease to apply, and funds may be obligated and expended under that section for assistance to, that state during that fiscal year; and

(2) funds may be obligated and expended during that fiscal year under subsection (b) of the FREEDOM Support Act (22 U.S.C. 5852) for other programs and activities for that state even if that state has not met any other requirements for eligibility under paragraphs (1) through (4) of that section.

(b) CERTIFICATION AND REPORT.—

(1) The certification and report referred to in subsection (a) are a written certification submitted by the President to Congress that the waiver of the restrictions and requirements described in paragraphs (1) through (4) of subsection (d) of section 1203 of the Cooperative Threat Reduction Act of 1993 and the FREEDOM Support Act for assistance to, that state during that fiscal year; and

(2) The matter included in the report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SEC. 606. CONGRESSIONAL NOTIFICATION FOR COMPREHENSIVE DEFENSE EXPORT AUTHORIZATIONS.

Section 305(a) of the Arms Export Control Act (P.L. 90-629) is amended to add the following new sentences at the end after "subparagraph (C)—"

"The Secretary may accept as a loan, or otherwise provide for comparable economic aid, any of the items to be transferred and the concessions represented a notification of the proposed transfer. The notification shall provide for comparable economic aid, such as cash compensation, waiver of charges otherwise payable by the United States, and other items of value.

(b) CONCESSIONS.—The value of concessions negotiated pursuant to subsection (a) shall be at least equal to the fair market value of the items transferred. The concessions may include cash compensation, waiver of charges otherwise payable by the United States, and other items of value.

(c) ADVANCE NOTIFICATION OF TRANSFER.—Not later than 30 days before making a transfer under the authority of this section, the President shall transmit to the Committee on Foreign Relations and Armed Services of the Senate and the Committee on International Relations and the Armed Services Committee of the House of Representatives a notification of the proposed transfer containing the information that may be transferred and the concessions to be received.

(d) EXPIRATION OF AUTHORITY.—No transfer may be made under the authority of this section five years after the date of enactment of this Act.

SEC. 611. ADDITIONS TO U.S. WAR RESERVE STOCKPILES FOR ALLIES.

Section 541(b)(2) of the Foreign Assistance Act of 1961 as amended, (22 U.S.C. 2321h(b)(2)) is amended—

(1) in subparagraph (A) by striking "$500,000,000" and inserting "$1,000,000,000"; and

(2) in subparagraph (B) by striking "$50,000,000" and inserting "$100,000,000".

SEC. 612. PROVISION TO CATALOGING DATA AND SERVICES.

Section 221(h)(2) of the Arms Export Control Act (22 U.S.C. 2761(h)(2)) is amended by striking "or to any member government of that Organization if that Organization or member" and inserting in lieu thereof "or to any member government of that Organization or, to any other country if that Organization, or to the government of any other country if that Organization, member government, or other government".

SEC. 613. PROVISION TO EXERCISE WAIVERS WITH RESPECT TO PAKISTAN.

Public Law 107-57, an Act to Authorize the President to Exercise Waivers of Foreign Assistance Restrictions with Respect to Pakistan, is amended—

(1) in section 1(a), by striking "2002", wherever appearing (including in the caption), and inserting in lieu thereof "2004";

(2) in section 1(b), by striking "2003", wherever appearing (including in the caption), and inserting in lieu thereof "2005";

(3) in section 2, by striking "prior to January 1, 2001", and inserting in lieu thereof "2003";

(4) in section 3, by striking "Foreign Operations, Export Financing, and Related Programs Appropriations Acts, 2002, as is", and inserting in lieu thereof "annual foreign operations, export financing, and related programs appropriations Acts for fiscal years 2002, 2003, 2004, and 2005, as are"; and

(5) in section 6, by striking "2003" and inserting in lieu thereof "2005".

Title VII—INTERNATIONAL PARENTAL CHIL ABDUCTION PREVENTION ACT OF 2003

This Act shall be cited as the "International Parental Child Abduction Prevention Act of 2003."
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(1) in subclause (I), by striking the comma at the end and inserting in its place a semicolon;

(2) in subclause (II), by striking the comma before the end and inserting in its place a semicolon;

(3) by amending subclause (III) to read as follows—

"(III) is a spouse (other than a spouse who is the parent of the abducted child), son or daughter (other than the abducted child), grandchild (other than the abducted child), parent, grandparent, sibling, cousin, uncle, aunt, nephew, or niece of an alien described in clause (I), or is a spouse of the alien described in clause (II); if such person has been designated by the Secretary of State in the Secretary of State's sole and unreviewable discretion;"

(4) by amending the final general clause from subclause (III) as amended by sub-

section (a) (3) of this section; and

(5) by amending the final general clause to read as follows:

"is inadmissible until the child described in clause (I) is surrendered to the person granted custody by the order described in that clause; and, if the person and child are permitted to return to the United States or such person's place of residence, or until the abducted child is 21 years of age;"

(b) in section 7(b)(2) of the 1998 Supplemental Appropriations and Rescissions Act (Public Law 105-174, 112 Stat. 64) and Section 1203 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261) are repealed.

SEC. 802. REPORT CONCERNING THE GERMAN STROM THURMOND NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999 AND THE TREATY OF VERSAILLES.

SEC. 803. REPORT ON PROGRESS IN CYPRUS.

SEC. 804. REPORTS ON ACTIVITIES IN COLOMBIA.

SEC. 805. REPORT ON EXTRADITION OF NATIONALS OF NATIONS OTHER THAN THE UNITED STATES.

SEC. 806. REPORT ON TERRORIST ACTIVITY IN WHICH UNITED STATES CITIZENS WERE KILLED AND RELATED MATTERS.

SEC. 807. REPORT AND WAIVER REGARDING EMERGENCY MILITARY TRAINING.
Title I—Authorization of Appropriations

SEC. 101. ADMINISTRATION OF FOREIGN AFFAIRS.

This section authorizes appropriations under the heading "Administration of Foreign Affairs" for fiscal years 2004 and 2005. It includes funds for executive direction and policy formulation, conduct of diplomatic relations with foreign governments and international organizations, effective implementation of consular programs and their border security, the acquisition and maintenance of office space and living quarters for the United States missions abroad, provision of security for those operations, and intelligence management.

In particular, this section provides authorization for the necessary expenses of the Department of State and the Foreign Service, not otherwise provided for, including expenses authorized by the State Department Basic Authorities Act. These expenses include: (a) the cost of personnel, with authority for worldwide security upgrades. This section also includes authorization of appropriations for the conduct of U.S. public diplomacy programs, including representation, protection of foreign missions and officials, emergencies in the diplomatic and consular service, repatriation loans, and payment to the American Institute in Taiwan. This section includes the funding for the final year of the Department's Diplomatic Readiness Initiative and authorizes hire of additional employees beyond the levels authorized for a three-year period to fill our staffing gaps (particularly in critical overseas positions), provide a "personnel completion" program for training, and respond quickly to crises and emerging policy priorities.

SEC. 102. INTERNATIONAL ORGANIZATIONS AND CONFERENCES.

This section authorizes appropriations for fiscal years 2004 and 2005 under the heading "International Organizations and Conferences." It authorizes the necessary funds for U.S. contributions of its assessed share of the expenses of the United Nations and other international organizations to which the United States is a member. In addition, provision is made for assessed contributions to international peacekeeping activities under United Nations auspices.

SEC. 103. INTERNATIONAL COMMISSIONS.

This section authorizes appropriations for fiscal years 2004 and 2005 under the heading "International Organizations and Conferences." It authorizes funds necessary to enable the United States to meet its obligations as a participant in international commissions, including those dealing with Amerindian boundaries and related matters with Canada and Mexico, and international fisheries commissions.

SEC. 104. MIGRATION AND REFUGEE ASSISTANCE.

This section authorizes appropriations for fiscal years 2004 and 2005 under the heading "Migration and Refugee Assistance" to enable the Secretary of State to respond to complex foreign crises and emerging policy conditions as he may determine assistance under this section for the purpose of responding to foreign crises.

SEC. 105. CENTERS AND FOUNDATIONS.

This section authorizes appropriations for fiscal years 2004 and 2005 for the East-West Center, the National Endowment for Democracy, and the Asia Foundation.

SEC. 106. DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES.

SEC. 201. REIMBURSEMENT RATE FOR AIRLIFT SERVICES.

The Department of Defense provides a variety of airlift support for official Secretary of State overseas travel on a reimbursable basis. The airlift mission involves, for example, transporting armored vehicles necessary to provide security for the Secretary, when such vehicles are not available in-country. The Department of Defense has a two-tiered rate structure for charging for such support. The Department of State is paying the higher rate, which is nearly twice as much as the lower. This section would authorize the Department of State to pay the Department of Defense for airlift services at the Department of Defense rate.
Department has developed over two dozen public-private partnerships which promote mine clearance; survivors assistance, education programs, and research and development of new technologies for detecting and destroying landmines. To maximize the effectiveness of these public-private partnerships, it is important that the Department have the authority to enter into cooperative agreements. Unlike a contractual arrangement, where a contractor provides a good or service to the governmental agency in return for payment, the grant process allows the government and the grantee to enter into a partnership to achieve a shared objective that serves the public good. This section provides for up to $450,000 in grant authority each fiscal year.

By being able to provide grants and enter into cooperative agreements with organizations participating in the public-private partnership program, the Department would be able to provide support to such private sector projects as training demining personnel and mine-detecting dogs; developing training materials and mine risk education materials that teach children and adults about how to recognize, report, and avoid landmines; and introducing new technologies to increase the effectiveness and speed of detecting and removing landmines. To the maximum extent feasible, grants to these cooperative agreements would be used to support mine action activities of non-governmental organizations. The Department will implement this authority in compliance with all statutory and regulatory guidelines governing grants and cooperative agreements.

SEC. 205. The U.S. Diplomacy Center.

This section would provide necessary authorities for the operation of the new U.S. Diplomacy Center at the Department of State. As envisioned, this Center would be dedicated to understanding and bringing alive the history and practice of United States diplomacy. The Center would organize and sponsor educational and outreach programs, including conferences, seminars, and educational materials. It would also include a museum area, focusing on the history of U.S. diplomacy in safeguarding U.S. security, searching for peace, increasing prosperity, and promoting values, and protecting U.S. interests and values abroad. As is customary in connection with such activities, the Center should include facilities for services to service members and their families, and should be able to pay for reasonable expenses in connection with conferences and outreach activities, such as refreshments, local travel, and transportation. Legislation would provide clear statutory authority in these areas. Authority is also provided to retain fees to support the Center’s activities. It would also include authority to dispose and lend museum artifacts and materials, similar to the authority already provided to the Department of State for the Diplomatic Reception Rooms on the second and third floors of the United States Embassy in the United Kingdom, and the Diplomatic Reception Rooms on the seventh and eighth floors of the Harry S. Truman Building. Consistent with the Code of Ethics for Museums of the American Association of Museums, the legislation provides that proceeds from disposition of museum holdings can only be used for collection purposes.

This section also provides that, except as may be limited subject to reprogramming procedures, the Bureau of Public Affairs may not expend more than $950,000 in fiscal year 2004 and such sums as may be necessary in fiscal year 2005 for the U.S. Diplomacy Center.

SEC. 206. Public Affairs Grant Authority.

The Department is actively pursuing outreach projects to educate the American public about foreign affairs issues and the development and implementation of foreign policy. In particular, the Bureau of Public Affairs is working with a number of nonprofit organizations (such as academic institutions of higher learning, organizations representing American educators, local organizations or community groups, and broadcasting entities) in order to reach different sectors of the domestic audience.

In certain situations, a grant or cooperative agreement is a more appropriate vehicle than a contractual arrangement to meet the Department’s objectives. In a contractual arrangement, where a contractor provides a good or service to the governmental agency in return for payment, the grant process allows the government and the grantee to enter into a partnership to achieve a shared objective that serves the public good. In this case, the shared purpose is to educate the American public about foreign affairs issues in a factual and fair manner.

The Department would continue to use its existing contract authority for many activities and would exercise authority to enter into grants and cooperative agreements only in those limited instances where appropriate. The Department will implement this authority in compliance with all statutory and regulatory guidelines governing grants and cooperative agreements.

TITLe III: Organization and Personnel of the Department of State

SEC. 301. Cost of Living Allowances.

The proposed changes to the education allowance in 5 U.S.C. 5924(4) would: (1) allow for educational travel to the United States for children in kindergarten through 12th grade, when schools at post are not adequate; (2) allow for educational travel to a secondary school for children at the secondary and college level; (3) provide for educational travel at the graduate level for children who are still dependents; (4) require that grants cover reasonable expenses in connection with overseas schools for successful completion of a course or grade; and (5) allow the option of storing a child’s personal effects near the school during their trip home, rather than transporting them back and forth.

Currently, when families are serving in a post without adequate local school facilities, the law provides that the Department of State must either have a school in the post or support the child’s education in the United States. This law was last amended in 1988 to authorize the Secretary to allow re-employment for former employees, many of whom, because of their unique life experiences, hamper the Department’s ability to hire these individuals to meet mission needs.

This section extends the Foreign Service Act authority to the Secretary of State and heads of other relevant agencies to waive these restrictions for positions for which there is exceptional difficulty in recruiting or retaining qualified employees. Section 302(g) of the Foreign Service Act was last amended in 1988 to authorize the Secretary to waive the annuity limitations on re-employed Foreign Service annuitants on a case by case basis if the annuitant is re-employed on a temporary basis due to an emergency involving a direct threat to life or property or other unusual circumstances. This amendment extended the 10 Foreign Service waiver authority that had existed and currently exists for the Civil Service.

Subsection (b) indicates that effective October 1, 2005, section 302(g) will revert to its current form.

SEC. 302. Waiver of Annuity Limitations on Re-employed Foreign Service Annuitants.

Foreign Service annuitants hired on a full-time basis have their annuities terminated. Those employed on a part-time, intermittent or temporary basis on a salary basis must continue to pay the total sum of their salary and their retirement annuity. The “dual compensation restrictions” on Foreign Service annuitants, many of whom have unique life experiences, hamper the Department’s ability to hire these individuals to meet mission needs. This section amends the Foreign Service Act to allow the Secretary of State and heads of other relevant agencies to waive these restrictions for positions for which there is exceptional difficulty in recruiting or retaining qualified employees.

Section 824(g) of the Foreign Service Act was last amended in 1988 to authorize the Secretary to waive the annuity limitations on re-employed Foreign Service annuitants on a case by case basis if the annuitant is re-employed on a temporary basis due to an emergency involving a direct threat to life or property or other unusual circumstances. This amendment extended the 10 Foreign Service waiver authority that had existed and currently exists for the Civil Service. It would provide the Secretary authority to waive the annuity limitations for annuitants reemployed on a temporary basis due to an emergency involving a direct threat to life or property or other unusual circumstances.

This amendment extended the 10 Foreign Service waiver authority that had existed and currently exists for the Civil Service.

Subsection (b) indicates that effective October 1, 2005, section 302(g) will revert to its current form.

SEC. 303. Fellowship of Hope Program.

This section clarifies the authority underlying a current exchange program between the foreign affairs agencies of the United States, the United Kingdom, and its member states, created to promote collaboration among its young leaders. Under this very successful program, Foreign Service officers are selected and trained on an annual basis to serve one-year details at the European Union in Brussels and designated European foreign ministries. After the Foreign Service Officer completes the details, the officers serve as career Foreign Service officers in the foreign ministries, they are assigned to a position in the U.S. embassy in the relevant
European capital. Conversely, the State Department also will receive members of the diplomatic corps from the European Union and designated foreign nations. While the presence of a limited number of FTOs in the United States may, with the consent of the Secretary, accept an emolument from a foreign state through the course of compensation by their own government. However, these diplomats are also holding an office of profit or trust in the U.S. government. Explicit Congressional authority for the exchange program would obviate any issue regarding the Emoluments Clause.

The Department is seeking this provision consistent with the national security and foreign policy interests of the United States. In particular, it should be noted that information security considerations have been carefully considered in the drafting of this exchange program. Moreover, the Secretary of State will consult with the Department of Justice or the Department of Commerce as necessary to facilitate a retroactive program consistent with the spirit of conciliation and due process of the Department of Justice or the Department of Commerce as necessary to facilitate a retroactive program consistent with the spirit of conciliation and due process. The Board will not, for example, have the authority to review the merits of any security clearance revocation investigation, which triggers a suspension under this amendment. In reviewing any suspension or enforced leave under this amendment, it is the Department’s expectation that the considerable body of law interpreting 5 U.S.C. sections 7512 and 7513 will guide the Board. Decisions as to whether or not to grant the employee back pay upon the resolution of the underlying matter will be at the discretion of the Secretary. However, it may review with respect to suspensions and enforced leave authorized by this amendment, whether the employee or a designated or organized terrorist organization (“FTOs”), in order to improve the statutory designation procedures. It eliminates the statute’s redesignation provision, which in practice is the Secretary instead to review FTO designations regularly, and it adds a procedure for amending designations.

Amending the Designation Requirement: The Duration of Designation provision removes the requirement for the Secretary to redesignate FTOs every two years for designations to remain in effect if an FTO designation to remain in effect until it is revoked by an Act of Congress or by the Secretary or set aside by the United States Court of Appeals for the District of Columbia Circuit. The Review of Designation upon Petition provision requires the Secretary to review the designation of an FTO if a designated organization petitions the Secretary for revocation once two years have elapsed from the date of its designation. It also requires submission of a written petition within 180 days. It also permits an organization to petition for judicial review of the Secretary’s determination within 30 days after that determination is published in the Federal Register.

The Other Review of Designation provision requires the Secretary to review the designation of each FTO at least once every four years in order to determine whether it should be revoked, even if the organization has not submitted a petition for re-designation. Absent such a petition, this automatic review would be completed according to procedures to be developed by the Secretary, and there would be no automatic review. This periodic review is intended as an 18 automatic check on the continued vitality of a designation, even in the absence of a petition for revocation by the designated terrorist organization. With 36 FTOs designated as of March 2003, and others on the way to designation, the demands that the current statutory requirement is too burdensome and that the Secretary should be able to take a better serve the Department’s mission. This provision further ensures that the Ombudsmen would continue to report directly to the Secretary, and will have the Ombudsmen for Civil Service Employees in the Office of the Secretary. This section is intended to enhance the responsibilities of the Ombudsmen to provide better service to the Department’s mission.

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that terrorist groups have retained their character as terrorists significantly drain resources from other pressing counterterrorism work, including the pursuit of additional designations pursuant to section 219 of the INA, section 212(a)(3)(B) of the INA (8 U.S.C. 1182) designation of terrorist organizations for immigration purposes, Executive Order 13224 (terrorist financing).

The proposed changes would streamline the current procedures and permit a more effective use of resources, while ensuring that the Secretary would regularly review an organization's designation to determine if it should be revoked. The terrorist threat we face today is more complex and nuanced than section 219 was enacted in 1996, and now more than ever, the USG needs to marshall its counterterrorism resources as efficiently as possible.

Aliases: Section 219 does not contain any explicit statutory authority or guidance for making additional alias designations after an organization is designated as an FTO. In designating FTOs, the Secretary of State routinely lists the names of the designated entities together with their aliases, while ensuring that the Secretary would regularly review an organization's designation to determine if it should be revoked. The terrorist threat we face today is more complex and nuanced than section 219 was enacted in 1996, and now more than ever, the USG needs to marshall its counterterrorism resources as efficiently as possible.

This section would enhance the effectiveness and efficiency of the designation process by adding explicit statutory authority or guidance for making additional alias designations after an organization is designated as an FTO. In designating FTOs, the Secretary of State routinely lists the names of the designated entities together with their aliases, while ensuring that the Secretary would regularly review an organization's designation to determine if it should be revoked. The terrorist threat we face today is more complex and nuanced than section 219 was enacted in 1996, and now more than ever, the USG needs to marshall its counterterrorism resources as efficiently as possible.

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to that for the countries with which cooperative activities may be conducted under section 27.

SEC. 608. ESTABLISH DOLLAR THRESHOLD FOR CONGRESS FOR ADVANCE NOTIFICATION OF TRANSFER OF EXCESS DEFENSE ARTICLES THAT ARE SIGNIFICANT MILITARY EQUIPMENT (SME). This proposal would allow the United States to transfer excess items to the DoD War Reserve Stockpiles under the Foreign Assistance Act (FAA) of 1961, provides for DoD War Reserve Stockpiles in a host country that remain the property of the U.S. government.

SEC. 611. ADDITIONS TO U.S. WAR RESERVE STOCKPILES FOR ALLIES. This proposal would allow the United States to include certain of these WRS stocks to Israel, the U.S. would negotiate for concessions to be negotiated by the Secretary of Defense. Section 514 of the Foreign Assistance Act (FAA) of 1961, provides for DoD War Reserve Stockpiles in a host country that remain the property of the United States. This legislation would retain the storage, maintenance, and demilitarization of the excess munitions to Israel. By agreement with Israel, the U.S. does not pay for the maintenance, transport, and storage of excess Defense articles included in DoD War Reserve Stockpile in Israel, the transfer allows excess assets to remain under U.S. title but shifts the costs for maintenance, storage, transportation, and demilitarization of the excess munitions to Israel. By agreement with Israel, the U.S. does not pay for the storage, maintenance, transport, and storage of excess Defense articles included in DoD War Reserve Stockpile, although the assets remain under U.S. title.

SEC. 612. PROVISION TO CATALOGING DATA AND SERVICES FOR CONVICTION OF DEFENSE ITEMS. The United States provides cataloging data and services to the North Atlantic Treaty Organization (NATO) and government members that place items on a reciprocal basis. The United States also provides such services to several non-NATO countries, such as Australia and New Zealand, but on a reimbursable basis against foreign procurement. There are instances when the interests of the United States would best be served if such data and services could be provided to a non-NATO country under a reciprocal agreement. This section would authorize the President to provide such services to non-NATO countries on a reciprocal basis. For almost 50 years, the NATO Codification System, which is based on United States standards for naming, describing, and numbering items of supply, has served as the cornerstone for interoperability between the United States and its NATO allies. Many non-NATO countries that participate in joint exercises and deployments with the United States would benefit from the NATO Codification System. Facilitating the provision of United States cataloging data for materials produced by any country in the United States has been and continues to be in the national interest. This is especially true in light of contingency operations that have and may be initiated in the war on terrorism.

SEC. 613. PROVISION TO EXCISE WAIVERS WITH RESPECT TO PAKISTAN. This amendment would extend the authority contained in P.L. 107-57 to exempt Pakistan from certain assistance restrictions relating to coups with respect to Pakistan and, where applicable, the child’s attainment of age 21. Section 702(a)(3). This provision would expand the range of persons who could be designated inadmissible by the Secretary of State in international child abduction and waive retention categories for those individuals were not culpable in the abduction or wrongful retention. This would be accomplished by amending existing subsection (a) (3) of Section 702(a)(3) to include a wider range of persons who could be designated inadmissible based on their familial connections to an abducting alien.

The coup waiver of section 508 of the Foreign Operations Appropriations Act in Section 1 is most critical for Pakistan. Section 1(b)(1), as amended, would legislatively extend the authority to waive political sanctions for Pakistan for FY 2004 and FY 2005—the President has waived the sanction for FY 2003 under the authority contained in P.L. 107-57. Five (5) days advance notice to Congress required under P.L. 107-57 is continued. Section 2, as amended, would waive the requirement for a 45 day advance notification to Congress prior to waiving the missile sanctions imposed on Pakistan pursuant to section 73 of the AECA with respect to any such sanctions implemented versus waiving only with respect to those sanctions imposed prior to January 1, 2003, which would be already expired any event. Section 3 exempted Pakistan from foreign assistance provisions in section 512 of the Foreign Operations Appropriations Act relating to loan defaults by foreign nations and similar restrictions contained in the Foreign Assistance Act through fiscal year 2005, the period through which the exemptions or waiver authority with respect to the coup sanctions would be extended by these amendments.
and (2) make clear that inadmissibility pursuant to subsections (I) and (II) (which is not discretionary) will expire only on occurrence of the events specified in INA 212(a)(10)(C) (the return of the abducted child or the child reaching age 21). These amendments will maximize the leverage available to the Department when inadmissibility is used to encourage the return of abducted children. The amendment would codify what the Department does through its informal procedures to ensure that individuals who may be inadmissible under the provisions of subsections (C)(i) and (ii) are identified and that their names are entered into the visa lookout system.

New subsection (v) would require the Department of State to address continuing concerns. This subsection would mean throughout the INA while taking account of concerns about abducted or wrongfully retained children who marry at very young age against their will. The definition proposed seeks to avoid the unintended consequences of potential alternatives. For example, H.R. 5715, introduced last session, effectively created a class of permanent children for purposes of the visa ineligibility laws, frustrating the Department’s efforts to promote reconciliation and contact within what are often multiracial families. The effect of the definition proposed in H.R. 5715 would have been to compromise the rights normally accorded adult U.S. citizens to travel while duly licensed to travel. This subsection also changes the definition of "sibling" to include step- and half-siblings.

Section 702(c). Finally, this Title includes a requirement that the Department of State report to Congress annually for five years with a description of the operation of 212(a)(10)(C), including data on the number of U.S. citizen personnel employed in support of Plan Colombia. This reporting requirement is not new, because the Foreign Relations Authorization Act, Fiscal Year 2003, and annually thereafter to report to Congress on the status of activities funded or authorized in part or in full by the Department or the Department of Defense in Colombia to promote alternative development, recovery and resettlement of internally displaced persons, judicial reform, the peace process, and human rights. This Title also contains provisions requiring the Department of Defense to report to Congress on the aggregate number, locations, activities, and lengths of assignments for all U.S. military personnel (including reservists) retained by the Department of Defense as contractors involved in the anticommunist campaign in Colombia. These reports include certain information on contract personnel and also require the Department of Defense to provide information on the activities of U.S. businesses that have entered into agreements with the Department of State to carry out narcotics activities in Colombia. Information reporting to some of the information sought in this report is available in the classified report section of the legislation included in this Title. This Title also requires the Department of State to submit a report on extradition practice between the United States and foreign governments that contains numerous similar requirements.

This section repeals section 3033 of the 2001 Military Construction Appropriations Act. This section requires the Department of State to report biannually during the period Plan Colombia resources are made available on extradition of narcotics traffickers from any country receiving assistance under Plan Colombia.

This section repeals the two reports required by section 694 of the FY 2003 Authorization Act (P.L. 107–228).

This section repeals Section 3203 of the 2001 National Defense Authorization Act (P.L. 106–246). We also can expect the Foreign Relations Authorization Act, Fiscal Year 2003 (P.L. 107–115), already provides limitations on the number of U.S. civilians permitted to proceed for the return of abducted children. The U.S. Embassy in Colombia continually assesses the potential for U.S. businesses to be involved in hostilities, the risks to U.S. citizens and their personnel. These risks vary widely from day to day and week to week. A report at any given moment in time would not have general applicability.

This section repeals section 3033 of the 2001 Military Construction Appropriations Act. This section requires the Secretary of State to report to the Committee on Appropriations and the Committee on Foreign Relations on the number of extraditions requested by the United States to other countries worldwide with which we have extradition treaties and the reasons for which the treaties are not able to provide for extradition. This section also requires the Department of State or the Department of Defense to carry out counternarcotics activities in Colombia. This section repeals the two reports required by section 3034(f) of P.L. 106–246. We can also easily track and report on DOD’s contract activities.

We are also concerned that recurrent, public reporting of the numbers of businesses under contract to the Department of State to support counternarcotics activities is likely to increase the security risks to these businesses. Recurrent public reporting of the numbers of businesses under contract to the Department of State to support counternarcotics activities is likely to increase the security risks to these businesses.
SEC. 806. REPORT ON TERRORIST ACTIVITY IN WHICH UNITED STATES CIVILIANS WERE KILLED AND RELATED MAT- 
TERIAL.

This section would eliminate this semi-annual report. The information is already available elsewhere: the Americans killed overseas by terrorist attacks are currently listed in the Introduction to the Department's annual Patterns of Global Terrorism Report and the names are available in the State Department's Rewards for Justice web-site. PLO activities are also covered in the semi-annual PLO Compliance Update issued by the Oslo Accords Report. Moreover, the names and details of Americans killed overseas in terrorist attacks are well covered in the press.

The separate compilations and preparation of a report specifically on American casualties diverts scarce manpower resources from other activities to fight terrorism.

SEC. 807. REPORT AND WAIVER REGARDING EM- 
BASSY IN JERUSALEM.

This section would make the waiver and accompanying report an annual, rather than semi-annual, requirement. The Jerusalem Embassy Act prohibits obligation of more than our annual overseas building acquisition and maintenance appropriation unless the State Department certifies to Congress that we have opened an embassy in Jerusalem. This prohibition may be waived for successive six-month periods on "national security interest." An embassy must be accompanied by a report detailing progress made during the preceding six months on moving our embassy to Jerusalem. Although the reports have not significantly varied from one another, they still require a significant amount of work to draft and clear.

SEC. 808. REPORT ON PROGRESS TOWARD RE- 
ALIGNMENT OF THE E.U. AND THE NATO.

This section repeals section 220F(c) of the Foreign Assistance Act of 1961 which addressed efforts made by the United States to achieve regional agreement on nuclear nonproliferation in South Asia and a list of obstacles to such an agreement. The report is duplicative, since South Asia nonproliferation issues are covered extensively in other classified and unclassified reports by State and the CIA. For example, India and Pakistan are included in the major nonproliferation issues covered in the FY 2003 Foreign Relations Authorization Act. This report requires the Secretary of State to submit an annual report "describing, to the extent practicable, any involvement of any foreign military or defense ministry civilian participant in . . . [the IMET program] in a violation of inter-
nationally recognized human rights." This provision sends the very dangerous signal that the USG will be tracking anyone en- 
listed in a capacity that may deter people from participating in IMET and, thus, damage U.S. national security interests. Additionally, the promotion of Democracy, and Human Rights maintains data necessary to prepare the annual Human Rights Report, data is not systematically collected on indi-
vidual human rights violators. As a result, the department were required to report on human rights violators who attended IMET courses prior to the enactment of the Leahy Amendments, we would be forced to rely on the records and memories of security assistance officers in U.S. embassies around the world which would likely be of uneven quality.

SEC. 811. REPORT ON HUMAN RIGHTS VIOLA-
TIONS BY IMET PARTICIPANTS.

This section would repeal the report on human rights violations by IMET participants under section 679 of the Foreign Assistance Act of 1961 (added by section 1212 of the FY 2003 Foreign Relations Authorization Act). This requires the Secretary of State to submit an annual report "describing, to the extent practicable, any involvement of any foreign military or defense ministry civilian participant in . . . [the IMET program] in a violation of inter-
nationally recognized human rights." This provision sends the very dangerous signal that the USG will be tracking anyone en-
listed in a capacity that may deter people from participating in IMET and, thus, damage U.S. national security interests. Additionally, the promotion of Democracy, and Human Rights maintains data necessary to prepare the annual Human Rights Report, data is not systematically collected on individ-
ual human rights violators. As a result, the department were required to report on human rights violators who attended IMET courses prior to the enactment of the Leahy Amendments, we would be forced to rely on the records and memories of security assistance officers in U.S. embassies around the world which would likely be of uneven quality.

SEC. 812. REPORT ON DEVELOPMENT OF THE EU- 
ROPEAN SECURITY AND DEFENSE IDENTITY (ESDI) WITHIN THE NATO.

The provision in section 1223 (22 U.S.C. 1908 note) requires the Secretary of Defense to provide Congress with various reports on the development of the European Security and Defense Identity (ESDI) within the NATO Alliance. The ESDI would enable the Western European Union, with the consent of the NATO Alliance, to assume the political con-
trol and financial direction of specified NATO assets and capabilities. This report is obsolete and provides information of limited utility. The requested information is no longer congruent with the current efforts to refocus NATO operations to prevent or to respond to foreign territorial disputes, armed ethnic and civil conflicts that pose threats to regional and international peace, and humanitarian crises (including ethnic cleansing, mass killing or genocide). Use of this authority will require a determination.

SEC. 813. REPORT ON TRANSFERS OF MILITARY 
SENSITIVE TECHNOLOGY TO COUN-
TRIES AND ENTITIES OF CONCERN.

The provision in section 1233 (22 U.S.C. 2778) requires the Secretary of Defense, in consultation with the joint Chiefs of Staff and the Director of Central Intel-
ligence, to provide Congress with assessments of the cumulative impact of licenses granted by the U.S. for exports of technol-
gies and technical information with potential military applications, the pre-
ceding 5-calendar year period on the military capabilities of such countries and entities.

The separate compilations and preparation of a report specifically on the USG's military assistance activities and the resultant consequences diverts scarce manpower resources from activities to fight terrorism.
by the President that a complex emergency exists and that it is in the national interest to furnish assistance in response. These authorities will not be used to fund assistance activities in response to natural disasters because existing contingency funding is available for that purpose. This section authorizes appropriation of such sums as may be necessary.


Hon. Richard G. Lugar, Chairman, Committee on Foreign Relations, U.S. Senate.

Dear Mr. Chairman: I am pleased to transmit proposed legislation to authorize appropriations for the Department of State to carry out its authorities and responsibilities in the conduct of foreign affairs for fiscal years 2004 and 2005.

The attached FY 2004-2005 Foreign Relations Authorization Bill also contains provisions related to Department of State authorities and activities, organization and personnel, international organizations, security assistance, child abduction prevention, and other miscellaneous provisions.

Key sections for the Department, in addition to the FY 2004-2005 appropriations, would raise the peacemaking assessment cap, provide for a permanent annual CTR waiver, and provide for greater flexibility in the administration of security assistance. Also included is an emergency fund for complex foreign crises which may be important to operations in Iraq.

Title VII of the proposed legislation, the International Parental Child Abduction Prevention Act of 2003, is designed to deter international abductions and unlawful reten-
tions and pressure an abductor to return a child to the parent with lawful custody. This could provide an important new lever in ad-
dressing child abductions worldwide.

The bill contains the first step toward a capital security cost sharing pr-
gram that will ensure that all agencies and departments pay a fair share of the cost of new, secure diplomatic and consular facil-
ties. The full program implementation is now under development, and a legislative proposal may be forwarded at a later date.

Other provisions may be submitted in the near future in a supplemental package. The Office of Management and Budget advises that there is no objection to the submission of this proposed legislation to the Congress and that its enactment would be in accord with the President’s program.

We look forward to working with the Committee on this important legislation.

Sincerely,

Paul V. Kelly, Assistant Secretary, Legislative Affairs.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 104—COM-
MEMORATING THE UNIVERSITY OF MINNESOTA DULUTH BULLDOGS FOR WINNING THE 2002-2003 NA-
TIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I NA-
TIONAL COLLEGIATE WOMEN’S ICE HOCKEY CHAMPIONSHIP

Mr. DAYTON (for himself and Mr. COLEMAN) submitted the following res-
olution; which was considered and agreed to:

S. Res. 104
Whereas on Sunday, March 23, 2003, the two-time defending NCAA National Colle-
giate Women’s Ice Hockey Champions, the University of Minnesota Duluth Bulldogs, won the National Championship for the third straight year;

Whereas Minnesota Duluth defeated Har-
ard University in double overtime of the championship game by the score of 4-3, hav-
ing defeated Dartmouth College 5-2 in the semifinal;

Whereas sophomore Nora Talius scored the game-winning goal in the second overtime, assisted by Erika Holst and Joanna Eustace; Whereas during the 2002-2003 season, the Bulldogs won an impressive 31 games, while losing only 3 and tying 2;

Whereas forwards Jenny Potter, Hanne Svikic, and Maria Rooth were selected to the 2003 All-Tournament team, and Caro-
line Ouellette was named the tournament’s Most Valuable Player;

Whereas the Bulldogs were the only team in the country to earn a berth to the Na-
tonial Collegiate Women’s Ice Hockey Cham-
pionship Tournament in every year of its ex-
istence;

Whereas junior forward Jenny Potter was a top-three finalist for the Patty Kazmaier Memorial Award, given annually to the most out-
standing player in collegiate women’s ice hockey, and was named to the Jofa Women’s University Division Ice Hock-
ey All-American first team;

Whereas freshmen Michelle McAteer, Patricia Sautter, and Maria Rooth, for the fourth time, was a top-ten finalist for the Patty Kazmaier Memorial Award and was named to the Jofa Women’s University Division Ice Hockey All-American second team;

Whereas seniors Jenny Hempel, Erika Holst, Joanna Eustace, Hanne Svikic, Navada Russe, Michelle McCaife, Patricia Sautter, and Maria Rooth made lasting contributions to the University of Minnesota Duluth Bull-
dogs women’s ice hockey program;

Whereas Head Coach Shannon Miller, after winning the National Championship in 3 consecutive years, has been named a finalist for the 2002-2003 Women’s Ice Hockey University Division Coach of the Year Award; and

Whereas all of the team’s players showed tremendous dedication throughout the sea-
sion toward winning the National Championship. Now, therefore, be it

Resolved, That the Senate—

(1) commends the University of Minnesota Duluth Women’s Ice Hockey Team for win-
ing the 2003 NCAA Division I National Col-
nectional Women’s Ice Hockey Championship;

(2) recognizes the achievements of all of the team’s players, coaches, and support staff, and invites them to the United States Capitol Building to be honored;

(3) requests that the President recognize the achievements of the University of Min-
nesota Duluth Women’s Ice Hockey Team, and invite them to the White House for an appropriate ceremony honoring a national championship team; and

(4) directs the Secretary of the Senate to make available enrolled copies of this Reso-
dution to the University of Minnesota Duluth for appropriate display, and to transmit an enroled copy of this Resolution to every coach and member of the 2003 NCAA Division I National Collegiate Women’s Ice Hockey Championship Team.

AMENDMENTS SUBMITTED & PROPOSED

SA 471. Mr. ALLEN (for himself, Mr. Har-
kIN, and Mr. HOLLINGS) submitted an amend-
ment intended to be proposed by him to the bill S. 762, which the President ap-
propriations to support Department of Defense oper-
aitions in Iraq, Department of Homeland Se-
curity, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table.

SA 472. Mrs. BOXER (for herself, Mr. SCHU-
MER, and Mr. KENNEDY) proposed an amend-
ment to the bill S. 762, supra.

SA 473. Mr. ENSIGN proposed an amend-
ment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 474. Mr. BAYH (for himself, Mr. NELSON of Nebraska, Mr. SCHUMER, Ms. STABENOW, Mrs. CLINTON, Ms. MIKULSKI, and Mr. KEN-
NEDY) proposed an amendment to the bill S. 762, supra.

SA 475. Mr. EDWARDS submitted an amend-
ment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 476. Mr. HOLLINGS submitted an amend-
ment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 477. Mr. HOLLINGS submitted an amend-
ment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 478. Mr. HOLLINGS submitted an amend-
ment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 479. Mr. HOLLINGS (for himself and Mr. BYRD) proposed an amendment to the bill S. 762, supra.

SA 480. Mr. MCCONNELL submitted an amend-
ment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 481. Mr. McCAIN (for himself and Mr. KYL) proposed an amendment to the bill S. 762, supra.

SA 482. Mrs. MURRAY submitted an amend-
ment intended to be proposed by her to the bill S. 762, supra; which was ordered to lie on the table.

SA 483. Ms. MURKOWSKI submitted an amend-
ment intended to be proposed by her to the bill S. 762, supra; which was ordered to lie on the table.

SA 484. Mr. EDWARDS submitted an amend-
ment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 485. Mrs. CLINTON (for herself and Mr. LEAHY) submitted an amendment intended to be proposed by her to the bill S. 762, supra; which was ordered to lie on the table.

SA 486. Mr. SARBANT (for himself and Ms. MIKULSKI) submitted an amend-
ment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 487. Mrs. CLINTON (for herself and Mr. KENNEDY) submitted an amendment intended to be proposed by her to the bill S. 762, supra; which was ordered to lie on the table.

SA 488. Mr. ENSIGN proposed an amend-
ment to the bill S. 762, supra.

SA 489. Mr. BOND submitted an amend-
ment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 490. Mr. REID (for himself and Mr. DOMENICI) submitted an amend-
ment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 491. Mrs. CLINTON (for herself and Mr. LEAHY) submitted an amendment intended to be proposed by her to the bill S. 762, supra; which was ordered to lie on the table.

SA 492. Mr. LEAHY submitted an amend-
ment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 493. Mr. LUTTON submitted an amendment intended to be proposed by him
to the bill S. 762, supra; which was ordered to lie on the table.

SA 494. Mr. BREAUX (for himself, Mr. SCHUMER, Mrs. CLINTON, Ms. STABENOW, and Mr. KENNEDY) proposed an amendment to the bill S. 762, supra.

SA 495. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 496. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 497. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 762, supra; which was ordered to lie on the table.

SA 498. Mrs. HUTCHISON (for herself, Mr. ALLEN, Mr. DOLE, Mr. COLEMAN, Mr. FITZGERALD, and Mr. CORNYN) submitted an amendment intended to be proposed by her to the bill S. 762, supra; which was ordered to lie on the table.

SA 499. Mr. TALENT (for himself, Mr. BOND, Mrs. CLINTON, and Mr. SCHUMER) proposed an amendment to the bill S. 762, supra.

SA 500. Mr. BOND (for himself, Mr. TALENT, Mrs. CLINTON, and Mr. SCHUMER) proposed an amendment to the bill S. 762, supra.

SA 501. Mr. SARBANES (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 502. Mr. REID (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 503. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 504. Ms. LANDRIEU (for herself and Ms. MIKULSKI) proposed an amendment to the bill S. 762, supra.

SA 505. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 506. Mr. WYDEN (for himself, Ms. COLLINS, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 507. Mr. KYL (for himself, Mr. MCCAIN, and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 508. Mr. BYRD (for himself and Mr. HOLLINGS) proposed an amendment to the bill S. 762, supra.

SA 509. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 510. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 511. Mr. STEVENS (for Mr. INOUYE) submitted an amendment intended to be proposed by Mr. Stevens to the bill S. 762, supra; which was ordered to lie on the table.

SA 512. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 513. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 514. Mr. SCHUMER (for himself, Mrs. CLINTON, Ms. MIKULSKI, Mr. LIEBERMAN, Mr. KENNEDY, Ms. STABENOW, Mrs. BOXER, Mr. JOHNSON, Mr. BINGAMAN, Mr. NELSON of Nebraska, Mr. LEAHY, Mr. BAUCUS, Mr. AKAKA, Mr. SARBANES, and Mr. LUTENBERG) proposed an amendment to the bill S. 762, supra.

SA 515. Mr. SPECTER proposed an amendment to the bill S. 762, supra.

SA 516. Mr. BENNETT submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 517. Mr. STEVENS (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 518. Mr. STEVENS (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 519. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 520. Ms. COLLINS (for herself and Ms. BOXER) submitted an amendment intended to be proposed by her to the bill S. 762, supra; which was ordered to lie on the table.

SA 521. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 522. Mr. STEVENS proposed an amendment to the bill S. 762, supra.

SA 523. Mr. FRIST (for Mr. BINGAMAN) proposed an amendment to the bill S. 302, to re-visit the boundaries of the Golden Gate National Recreation Area in the State of California, to restore and extend the term of the advisory commission for the recreation area, and for other purposes; which was ordered to lie on the table.

SA 524. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 762, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 471. Mr. ALLEN (for himself, Mr. HARKIN, and Mr. HOLLINGS) submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

TITLE V—GENERAL PROVISIONS, THIS ACT

SEC. 501. Section 1605 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(h) Claims for Money Damages for Death or Personal Injury.—(1) Any United States citizen who dies or suffers injury caused by a foreign state's act of torture, extrajudicial killing, aircraft sabotage, or hostage taking committed on or after November 1, 1979, and any member of the immediate family of such citizen, shall have a claim for money damages against such foreign state, as authorized by subsection (a)(7), for death or personal injury (including economic damages, solatium, pain and suffering).

(2) A claim under paragraph (1) shall not be subject to any other provision of law or any international agreement in effect on or after November 1, 1979, that would otherwise bar, preclude, terminate, extinguish, or suspend a claim for damages described in such paragraph.".

SA 472. Mrs. BOXER (for herself, Mr. SCHUMER, and Mr. KENNEDY) proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

SEC. 601. Of the amounts appropriated by this chapter under the heading "DEPARTMENTAL MANAGEMENT" under the heading "Counterterrorism Fund", $30,000,000 shall be available for the Secretary of Homeland Security, in consultation with the Secretary of Defense and the Federal Aviation Administration, for research and development on, and for the initial deployment of, technology to protect commercial aircraft from the threat posed by man-portable air defense systems in order to reduce the costs of such technology and to provide for the adaptation of military countermeasure systems to commercial aircraft.

SA 473. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At an appropriate place insert the following:

SEC. 6. (a) No funds made available in this Act for purposes of reconstruction in Iraq may be provided to a person who is a citizen of or is organized under the laws of France or Germany unless such person is a resident of or organized under the laws of the United States.

SA 474. Mr. BAYH (for himself, Mr. NELSON of Nebraska, Mr. SCHUMER, Ms. STABENOW, Mrs. CLINTON, Ms. MIKULSKI, and Mr. KENNEDY) proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 38, after line 24 add the following:

SMALLPOX AND OTHER BIOTERRORISM INOCULATION ACT

For additional expenses necessary to support grants to states for smallpox and other bioterrorism inoculation activities, $340,000,000, to remain available until September 30, 2004, provided, That this amount is transferred to the Centers for Disease Control and Prevention.

SA 475. Mr. EDWARDS submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page between lines and , insert the following:
SA 476. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 30, line 20, strike “$2,468,300,000” and insert “$2,763,300,000”.

On page 31, line 3, strike “and (12)” and insert “(12) law enforcement, and (13)”. 

SA 477. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 32, line 13, after “funds” insert “:
Provided further, an additional amount under this heading of $205,000,000, of which $225,000,000 shall be for non-food humanitarian assistance to support relief efforts related to refugees, internally displaced persons, and to the people in the countries bordering Iraq, $5,000,000 shall be for water and sanitation, health and nutrition assistance, shelter, education, de-mining, and environmental activities, and $45,000,000 shall be for an international police force and judicial team to provide security during the post-war transition period and $25,000,000 shall be for increasing the Emergency Refugee and Migration Assistance Fund to cover unforeseen refugee and migration emergencies”.

SA 478. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 38, between lines 10 and 11, insert the following:

GENERAL PROVISIONS

SEC. 302. Section 320(a) of the Immigration and Nationality Act (8 U.S.C. 1440(a)) is amended by inserting “as a member of the Ready Reserve component of the Armed Forces or” after “has served honorably”.

SA 479. Mr. HOLLINGS (for himself and Mr. Byrd) proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. 5. SENSE OF THE SENATE ON PAYING THE DEBT OF THE UNITED STATES

It is the sense of the Senate that—
(1) the President should submit a proposal to the Committee on Finance to raise sufficient revenue to offset the funds spent in this supplemental appropriations Act for the war in Iraq;
(2) the President should submit this proposal not later than 60 days after the date of enactment of this Act; and
(3) if the President does not submit such a proposal, the Committee on Finance should put forward its own proposal to offset the funds spent in this supplemental appropriations Act for the war in Iraq.

SA 480. Mr. MCCONNEL submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 30, line 5, after the colon, insert the following:
Provided further, That up to $200,000,000 of the funds appropriated by this paragraph may be transferred and merged with funds appropriated under the heading “Andean Counterdrug Initiative for aircraft, training, and other assistance for the Colombian Armed Forces:

SA 481. Mr. MCCAIN (for himself and Mr. Kyl) proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

At the end of the bill, add the following:

LIMITATIONS ON OTHER PROVISIONS

Notwithstanding any other provision of this Act:
(1) Amounts made available under sections 310, 312, and 313 of this title shall not be made available for the purposes stated in those sections.
(2) Amounts made available for each of the following items elsewhere in this Act for fiscal year 2003 shall not be made available as provided in this Act:
(A) $500,000 for the Great Lakes Fishery Commission to be used for sea lamprey control in Lake Champlain within the Procurement, Acquisition and Construction Account of the National Oceanic and Atmospheric Administration of the Department of Commerce as provided for under chapter 2 of title II;
(B) $225,000 for the Mental Health Association of Tarrant County, Ft. Worth, Texas, to provide school-based mental health education and related activities; and
(C) $50,000 for the AIDS Research Institute at the University of California, San Francisco, for developing County Medical Program to facilitate clinician exchange between the United States and developing countries; and
$1,000,000 for the Geisinger Health System, Danville, Pennsylvania, to establish centers of excellence for the treatment of autism, as provided for under paragraph (5) under the heading “Department of Health and Human Services, Health Resources and Services Administration, Health Resources and Services, under the Department of Labor as provided for under chapter 5 of title II.

(3) Amounts appropriated for each of the following items for fiscal year 2003 shall be zero instead of the following amounts appropriated elsewhere in this Act:
(A) $1,250,000 for the National Oceanic and Atmospheric Administration of the Department of Transportation as provided for under chapter 10 of title I.
(B) $1,000,000 for the jobs for America’s Graduates (JAG) school-to-work program for at-risk young people for Training and Employment Services under the Employment and Training Administration of the Department of Labor as provided for under chapter 5 of title II.

SA 482. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 46, between lines 3 and 4, insert the following:
(e) REPORT ON BILL EMERSON HUMANITARIAN TRUST AND FUTURE OF UNITED STATES FOOD AID.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture (in coordination with the Administrator of the Agency for International Development) shall submit to the Committee on Appropriations of the House of Representatives, the Committee on Agriculture, Nutrition, and Forestry of the Senate, and the appropriate Committees on Appropriations and Related Agencies of the Committees on Appropriations of the House of Representatives and the Senate, a report that describes—
(1) the policy of the Secretary with respect to the Bill Emerson Humanitarian Trust established under the Bill Emerson Humanitarian Trust Act (7 U.S.C. 171), including whether that policy includes an intention to replenish the Trust; and
(2)(A) the means by which the Secretary proposes to ensure that the United States retains the long-term strategy and capability to respond to emergency international food shortages; and
(B) whether, and to what extent, other food aid programs conducted by the Secretary and the Administrator will be a part of that strategy.

SA 483. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other
purposes; which was ordered to lie on the table; as follows:

On page 38, after line 24, add the following:

SEVERE ACUTE RESPIRATORY SYNDROME (SARS).

For an additional amount for “Centers for Disease Control and Prevention, Disease Control and Prevention, and Training”, $38,000,000 for costs associated with the prevention and control of Severe Acute Respiratory Syndrome (SARS)."

SA 484. Mr. EDWARDS submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental, emergency, and related appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 5. BLUE RIDGE NATIONAL HERITAGE AREA.

(a) Definitions. —In this section:

(1) HERITAGE AREA.—The term "Heritage Area" means the Blue Ridge National Heritage Area established by subsection (b).

(2) MANAGEMENT ENTITY.—The term "management entity" means the management entity for the Heritage Area designated by subsection (d).

(3) MANAGEMENT PLAN.—The term "management plan" means the management plan for the Heritage Area approved under subsection (e).

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(5) STATE.—The term "State" means the State of North Carolina.

(b) Establishment. —There is established the Blue Ridge National Heritage Area in the State.

(c) Boundaries. —The Heritage Area shall consist of the counties of Alleghany, Ashe, Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Surry, Swain, Transylvania, Watauga, Wilkes, Yadkin, and Yancey in the State.

(d) Management Entity. —

(1) In General. —As a condition of the receipt of funds made available under subsection (i)(1), the Blue Ridge National Heritage Area and any partnership shall be the management entity for the Heritage Area.

(2) Board of Directors. —The management entity shall be governed by a board of directors composed of 9 members, of whom—

(A) 2 members shall be appointed by AdvantageWest;

(B) 2 members shall be appointed by HandMade In America, Inc.;

(C) 1 member shall be appointed by the Education and Research Consortium of Western North Carolina;

(D) 1 member shall be appointed by the Eastern Band of the Cherokee Indians; and

(E) 3 members shall—

(i) be appointed by the Governor of the State;

(ii) reside in geographically diverse regions of the Heritage Area;

(iii) be a representative of State or local governments of the private sector; and

(iv) have knowledge of tourism, economic and community development, regional planning, historic preservation, cultural or natural resources development, regional planning, conservation, recreational services, education, or museum services.

(E) Management Authority. —

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the management entity shall submit to the Secretary for approval a management plan for the Heritage Area.

(2) Consideration of Other Plans and Actions. —In developing the management plan, the management entity shall—

(A) for the purpose of presenting a unified preservation and interpretation plan, take into consideration Federal, State, and local plans; and

(B) provide for the participation of residents, public agencies, and private organizations in the Heritage Area.

(3) Contents. —The management plan shall—

(A) present comprehensive recommendations and strategies for the conservation, funding, management, and development of the Heritage Area;

(B) identify existing and potential sources of Federal and non-Federal funding for the conservation, management, and development of the Heritage Area; and

(C) include—

(i) an inventory of the cultural, historical, natural, and recreational resources of the Heritage Area, including a list of property that—

(I) relates to the purposes of the Heritage Area; and

(II) should be conserved, restored, managed, developed, or maintained because of the significance of the property;

(ii) a program of strategies and actions for the implementation of the management plan that identifies the roles of agencies and organizations that are involved in the implementation of the management plan;

(iii) an interpretative and educational plan for the Heritage Area;

(iv) a recommendation of policies for resource management and protection that develop intergovernmental cooperative agreements to manage and protect the cultural, historical, natural, and recreational resources of the Heritage Area; and

(v) an analysis of ways in which Federal, State, and local programs may best be coordinated to promote the purposes of this Act.

(4) Effect of Failure to Submit.—If a management plan is not submitted to the Secretary by the date described in paragraph (1), the Secretary shall not provide any additional funding under this Act until a management plan is submitted to the Secretary.

(5) Approval or Disapproval of Management Plan. —

(A) IN GENERAL.—Not later than 90 days after receiving the management plan submitted under subparagraph (A) or (B), the Secretary shall approve or disapprove the management plan.

(B) Criteria.—In determining whether to approve the management plan, the Secretary shall consider whether the management plan—

(I) has strong local support from landowners, businesses, nonprofit organizations, and governments in the Heritage Area; and

(ii) has a high potential for effective partnerships among the parties involved.

(C) Action Following Disapproval.—If the Secretary disapproves a management plan under subparagraph (A), the Secretary shall—

(I) notify the management entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) allow the management entity to submit to the Secretary revisions to the management plan.

(D) Deadline for Approval of Revision.—Not later than 60 days after the date on which a revision is submitted under subparagraph (C), the Secretary shall approve or disapprove the proposed revision.

(6) Amendment of Approved Management Plan. —

(A) IN GENERAL.—After approval by the Secretary of a management plan, the management entity shall periodically—

(i) review the management plan; and

(ii) submit to the Secretary for review and approval, the recommendation of the management entity for any amendments to the management plan.

(B) Use of Funds.—No funds made available under subsection (i)(1) shall be used to implement any amendment proposed by the management entity under subparagraph (A) until the Secretary approves the amendment.

(f) Authorities and Duties of the Management Entity. —

(1) Authorities.—For the purposes of developing and implementing the management plan, the management entity may use funds made available under subsection (i)(1) to—

(A) make loans and grants to, and enter into cooperative agreements with, the State (including a political subdivision), nonprofit organizations, or persons;

(B) hire and compensate staff; and

(C) enter into contracts for goods and services.

(2) Duties.—In addition to developing and implementing the management plan, the management entity shall—

(A) develop and implement the management plan while considering the interests of diverse units of government, businesses, private property owners, and nonprofit groups in the Heritage Area;

(B) conduct public meetings in the Heritage Area at least semiannually on the development and implementation of the management plan;

(C) give priority to the implementation of actions, goals, and strategies in the management plan, including providing assistance to units of government, nonprofit organizations, and persons in—

(i) carrying out the programs that protect resources in the Heritage Area;

(ii) encouraging economic viability in the Heritage Area in accordance with the goals of the management plan;

(iii) establishing and maintaining interpretive exhibits in the Heritage Area;

(iv) developing educational opportunities in the Heritage Area; and

(v) increasing public awareness of and appreciation for the cultural, historical, and natural resources of the Heritage Area; and

(D) for any fiscal year for which Federal funds are received under subsection (i)(1)—

(i) submit to the Secretary a report that describes, for the fiscal year—

(I) the accomplishments of the management entity;

(ii) the expenses and income of the management entity; and

(iii) each entity to which a grant was made;

(ii) make available for audit by Congress, the Secretary, and appropriate units of government, all records relating to the expenditure of funds and any matching funds; and

(iii) require, for all agreements authorizing expenditure of Federal funds by any entity, that the receiving entity make available for audit all records relating to the expenditure of funds.

(3) Prohibition on the Acquisition of Real Property.—The management entity shall not use Federal funds received under subsection (i)(1) to acquire real property or an interest in real property.

(g) Technical and Financial Assistance.—
(1) **IN GENERAL.**—The Secretary may provide to the management entity technical assistance and, subject to the availability of appropriations, financial assistance, for use in developing and implementing the management plan.

(2) **PRIORITY FOR ASSISTANCE.**—In providing assistance under paragraph (1), the Secretary shall give priority to actions that facilitate—

(A) the preservation of the significant cultural, historical, natural, and recreational resources of the Heritage Area; and

(B) the provision of educational, interpretive, and recreational opportunities that are consistent with the resources of the Heritage Area.

(3) **LAND USE REGULATION.**—

(A) **IN GENERAL.**—Nothing in this Act—

(i) affects the authority of the State or local government to regulate any use of land under any law (including regulations), or

(ii) modifies, enlarges, or diminishes any authority of the Federal Government or any State or local government to regulate any use of land under any law (including regulations), or

(B) **PRIVATE PROPERTY.**—Nothing in this Act—

(i) abridges the rights of any person with respect to private property; or

(ii) affects the authority of the State or local government with respect to private property; or

(iii) imposes any additional burden on any property owner;

(4) **AUTHORIZATION OF APPROPRIATIONS.**—

(A) **IN GENERAL.**—There is authorized to be appropriated to carry out this Act $10,000,000, of which not more than $2,000,000 shall be available for any fiscal year.

(B) **NON-FEDERAL SHARE.**—The non-Federal share of the cost of any activities carried out using Federal funds made available under paragraph (1) shall be not less than 50 percent.

(5) **TERMINATION OF AUTHORITY.**—The authority of the Secretary to provide assistance under this Act terminates on the date that is 15 years after the date of enactment of this Act.

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**SA 485.** Mrs. **CLINTON** (for herself and Mr. **LEAHY**) submitted an amendment intended to be proposed by her to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 73, line 16, after “Provided,” insert the following: “That, notwithstanding any other provision of law, noquad amount appropriated under this section, not more than $4,000,000 may be available to compensate College Park Airport in College Park, Maryland, Potomac Airpark in Ft. Washington, Maryland, and Washington Executive/Hyde Field in Clinton, Maryland, and the providers of general aviation services (such as aircraft rental, flight training, repair and other fixed base services) that are located at such airports for losses of incomes and revenues resulting from the airspace closures that occurred, or the flight restrictions that were imposed, following the September 11, 2001, terrorist attacks on the United States: Provided further,”.

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**SA 487.** Mrs. **CLINTON** (for herself and Mr. **KENNEDY**) submitted an amendment intended to be proposed by her to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 38, after line 24, add the following:

Sec. 3. (a) No funds made available in this Act for purposes of reconstruction in Iraq may be provided, to a person who is a citizen of or is organized under the laws of France or Germany, unless such person is a resident of or organized under the laws of the United States.

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**SA 488.** Mr. **ENSIGN** proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At an appropriate place insert the following:

Sec. 4. (a) No funds made available in this Act for purposes of reconstruction in Iraq may be provided, to a person who is a citizen of or is organized under the laws of France or Germany, unless such person is a resident of or organized under the laws of the United States.

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**SA 489.** Mr. **BOND** submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

Insert on page 69, after line 24, the following:

ENVIRONMENTAL PROTECTION AGENCY

ADMINISTRATIVE PROVISION

“Within 30 days of enactment of this Act, the Administrator of the Environmental Protection Agency shall adjust each ‘maximum annual fee payable’ pursuant to 7 U.S.C. 136(a–1)(15)(D) and (E) in a manner such that Maintenance Fee collections made to reach the level authorized in Division K of Public Law 108–7 shall be established in the same proportion as those Maintenance Fee collections authorized in Public Law 107–73.”

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**SA 490.** Mr. **REID** (for himself and Mr. **DOMENICI**) submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 18, line 8, strike all that follows through page 20, line 10 and insert the following:

**CHAPTER 4 DEPARTMENT OF DEFENSE—CIVIL**

**DEPARTMENT OF THE ARMY**

**DEPARTMENT OF ENGINEER**

**ENERGY Programs**

**SCIENCE**

For an additional amount for homeland security expenses, for “Science” and for other purposes, $29,000,000, to remain available until expended.

**ATOMIC ENERGY DEFENSE ACTIVITIES**

**NATIONAL SECURITY ADMINISTRATION**

**WEAPONS Activities**

For an additional amount for “Weapons Activities” for expenses necessary to safeguard nuclear weapons and nuclear material, $61,000,000, to remain available until expended: Provided, That $25,000,000 of the funds provided shall be available for secure transportation asset activities: Provided further, That $36,000,000 of the funds provided shall be available to meet increased safeguards and security needs throughout the nuclear weapons complex.

**NUCLEAR NONPROLIFERATION**

For an additional amount for “Nuclear Nonproliferation” for expenses necessary to safeguard fissile nuclear material, $150,000,000, to remain available until expended: Provided, That $77,000,000 of the funds provided shall be available for detection and deterrence of radiological dispersal devices: Provided further, That $17,000,000 of the funds provided shall be available for nonproliferation assistance to nations other than the former Soviet Union: Provided further, That...
ENFORCEMENT OF OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For an additional amount for Defense Environmental Restoration and Waste Management—"for expenses necessary to support safeguards and security activities at nuclear and other facilities, $6,000,000, to remain available until expended.

SA 491. Mrs. CLINTON (for herself and Mr. LEAHY) submitted an amendment intended to be proposed by her to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; follows:

SEC. 410. REPORTING REQUIREMENT.

SEC. 493. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; follows:

At the appropriate place, insert the following:

SEC. In accordance with section 873(b) of the Homeland Security Act of 2002 (6 U.S.C. 453(b)), the Bureau of Customs and Border Protection may accept donations of body armor for United States border patrol agents and United States border patrol canines if such donations would further the mission of protecting our Nation’s border and ports of entry as determined by the Under Secretary for Border and Transportation Security.

SA 493. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; follows:

At the end of chapter 6 of title I, add the following:

SEC. GENERAL PROVISIONS, THIS CHAPTER.

SEC. 601. (a) GRANTS RELATING TO MOBILIZED FIRST RESPONDERS.—The Secretary of Homeland Security may make a grant of financial assistance to any State or local government or Indian tribe in order to reimburse the State or local government or tribe for costs incurred by the State or local government or tribe as a result of a call or order to active duty of one or more Reservists who are first responder personnel of the State or local government or tribe if the call or order to duty is issued under the authority of a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.

(b) FIRST RESPONDER PERSONNEL.—For purposes of this section, the term ‘first responder personnel’—

(1) means police, fire, rescue, emergency medical service, and emergency hazardous material disposal personnel; and

(2) includes individuals that the Secretary may specify in regulations prescribed under this section.

(c) COVERED COSTS.—The costs that may be reimbursed by a grant under subsection (a) to a State or local government or Indian tribe in connection with a call or order to active duty of first responder personnel of the State or local government or tribe to active duty are any costs incurred by the State or local government or tribe as follows:

(A) Costs (including salary and benefits) of hiring first responder personnel to replace the first responder personnel called or ordered to active duty.

(B) Costs of time and pay for other first responder personnel of the State or local government or tribe.

(C) Any other costs that the Secretary specifies in regulations prescribed under this section.

(d) FUNDING.—(1) Of the amount appropriated by this chapter under the heading ‘OFFICE FOR DOMESTIC PREPAREDNESS’, $200,000,000 shall be available for grants under subsection (a) to a State or local government or Indian tribe seeking a grant under subsection (a) to the Secretary an application therefor in such form, and containing such information, as the Secretary shall prescribe in the regulations under this section.

(2) An application for a grant under subsection (a) shall be submitted not later than December 31, 2003.

(e) REGULATIONS.—The Secretary shall prescribe regulations for purposes of the administration of this section.

(f) STATE DEFINED.—In this section, the term ‘State’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands shall be not less than the amount equal to 0.25 percent of the amount made available under subsection (j) for grants under subsection (a), except that the aggregate amount available for grants under subsection (j) for grants under subsection (a), except that the aggregate amount available for grants under subsection (j) for grants under subsection (a) is the amount equal to 0.75 percent of the amount made available under subsection (j) for grants under subsection (a).

SA 494. Mr. BREAUX (for himself, Mr. SCHUMER, Mrs. CLINTON, Ms. STABENOW, and Mr. KENNEDY) proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; follows:

TITLE III—FEDERAL HOMELAND SECURITY RESPONSIBILITIES

DEPARTMENT OF HOMELAND SECURITY

UNITED STATES COAST GUARD

OPERATING EXPENSES

For an additional amount for ‘Operating Expenses’, $200,000,000, to remain available until December 31, 2003, for terrorism-related

For an additional amount for ‘Operating Expenses’, $200,000,000, to remain available until December 31, 2003, for terrorism-related
prevention, preparedness, and response re-
requirements associated with Operation Lib-
ity Shield, including but not limited to op-
erating expenses related to the increased
in maritime law enforcement, the protection
of critical infrastructure and enforcement of
Security Zones, and the activation of Coast
Guard Reservists.

BORDER AND TRANSPORTATION SECURITY

For an additional amount for "Customs
and Border Protection", $366,000,000, to re-
main available until December 31, 2003, of
which not less than $35,000,000 shall be for
the Office of Field Operations, not less than
$200,000,000 shall be for radiation portal mon-
tors and other forms of non-intrusive in-
spection equipment to be deployed at the Na-
tion's ports-of-entry, and not less than
$131,000,000 shall be for increased border and
maritime protection operations, overtime
pay, and other activities resulting from the
movement to the "Code Orange" terrorist threat
level and in support of activities re-
lated to Operation Liberty Shield.

IMMIGRATION AND CUSTOMS ENFORCEMENT

For an additional amount for "Immigra-
tion and Customs Enforcement", $131,000,000,
to remain available until December 31, 2003,
for increased operations, overtime pay, and
other activities resulting from the move-
ment to the "Code Orange" terrorist threat
level and in support of activities related to
Operation Liberty Shield.

TRANSPORTATION SECURITY ADMINISTRATION

For additional amounts for necessary expen-
ses of the Transportation Security Ad-
ministration related to transportation secu-
rity services pursuant to Public Law 107–71
and Public Law 107–296 and for other pur-
poses, $25,000,000, to remain available until
December 31, 2003, of which not less than
$235,000,000 shall be available for costs asso-
ciated with the modification of airports to
comply with the provisions of the Aviation
and Transportation Security Act, not less than
$300,000,000 shall be available for grants to
public transit agencies in urbanized areas for
enhancing the security of transit facil-
ties against chemical, biological and other
terrorist threats, not less than $620,000,000
for shortfalls pursuant to Public Law 108–10,
including rail security, airport security, open-
doors, port security grants, and airport
modifications, not less than $200,000,000 for
railroad security grants including grants to
the Northeast Corridor, Metropolitan Air-
port Security, and Borders and Motorized
for capital expenses associated with tunnel
and dispatch facility security enhancements;
FEDERAL LAW ENFORCEMENT TRAINING
CENTER

SALARIES AND EXPENSES

For an additional amount for "Salaries
and Expenses", $225,000,000, to remain avail-
able until December 31, 2003, for security
upgrades and backup operations of transporta-
tion, emergency response, energy, and com-
communications infrastructure in the District
of Columbia; Provided: That funds provided under this paragraph shall be ap-
propriated only after the Committees on
Appropriations of the House of Represent-
atives and Senate are notified in accordance
with section 607 of the Defense Appropriations

FEDERAL BUREAU OF INVESTIGATION
SALARIES AND EXPENSES

For an additional amount for "Salaries
and Expenses", $150,000,000, to remain avail-
able until December 31, 2003, for necessary
expenses relating to response and security
capabilities and field operations; Provided: That funds provided under this paragraph shall be available only after the Committees on
Appropriations of the House of Represent-
atives and Senate are notified in accordance
with section 605 of the Department of Justice,
the Judiciary, and Related Agencies Appropria-

FEDERAL BUREAU OF INVESTIGATION
COMMUNITY ORIENTED POLICING SERVICES

For an additional amount for the Commu-

nity Oriented Policing Services' Interoper-
able Communications Technology Program,
for grants to States and localities to improve
communications within and among law en-
forcement agencies, firefighters and emer-
gency medical service personnel, $150,000,000,
to remain available until December 31, 2003.

DISTRICT OF COLUMBIA FEDERAL FUNDS
FEDERAL PAYMENT TO THE DISTRICT OF
COLOMBIA

For a Federal payment to the District of
Columbia for critical infrastructure protec-
tion, $25,000,000, to remain available until
December 31, 2003, for security upgrades and
backup operations of transportation, emer-
gency response, energy, and communications
infrastructure in the District of Columbia; Provided: That the Mayor and the Chairman
of the Council of the District of Columbia
shall, in consultation with the governments
in the National Capital region, submit a fi-
nal financial plan to the Committees on
Appropriations of the House of Representa-
tives and Senate for approval not later than 30
days after enactment of this act; Provided
further, That the Chief Financial Officer of
the District of Columbia shall provide quar-
terly reports to the Committees on
Appropriations of the House of Representatives
and the Senate of the financial plan under this
heading, beginning not later than June 2,
2003.

INDEPENDENT AGENCIES
DEPARTMENT OF HEALTH AND HUMAN SERVICES
AGENCY FOR TOXIC SUBSTANCES AND DISEASE
REGISTRY

TOXIC SUBSTANCES AND ENVIRONMENTAL
PUBLIC HEALTH

For an additional amount for "Toxic Sub-
stances and Environmental Public Health,
$10,000,000, to remain available until Decem-
ber 31, 2003, to enhance States' capacity to
respond to chemical and biological attacks.
Section . Notwithstanding any other pro-
vision of this Act, funding under the heading
Department of Homeland Security, Depart-
ment Management, Counterterrorism Fund,
shall be zero.

SA 495. Mr. BOND submitted an amend-
ment intended to be proposed by him to the
bill S. 762, making supple-
mental appropriations to support De-
partment of Defense operations in Iraq,
Department of Homeland Security, and
Related Efforts for the fiscal year end-
ing September 30, 2003, and for other
purposes; which was ordered to lie on
the table; as follows:

Insert on page 69, after line 24 the fol-
lowing:

NATIONAL SCIENCE FOUNDATION RESEARCH
AND RELATED ACTIVITIES

The first sentence under this heading in
Public Law 108–7 is amended by striking
"$320,000,000" and inserting in lieu thereof:
"$330,000,000".

SA 496. Mr. BUNNING submitted an amend-
ment intended to be proposed by him to the
bill S. 762, making supple-
mental appropriations to support De-
partment of Defense operations in Iraq,
Department of Homeland Security, and
Related Efforts for the fiscal year end-
ing September 30, 2003, and for other
purposes; which was ordered to lie on
the table; as follows:

On page 36, line 6 after the period insert:
"It is the sense of the Senate that the
President, while negotiating the terms
and conditions of any loan guarantees to be
extended to Egypt, should secure a firm com-
mittance from the Government of Egypt to
establish and implement political reforms
that promote democracy, human rights and
the rule of law in Egypt, and to safeguard
the rights of nongovernment organizations
to operate freely in Egypt.

SA 497. Ms. COLLINS submitted an amend-
ment intended to be proposed by her to the
bill S. 762, making supple-
mental appropriations to support De-
partment of Defense operations in Iraq,
Department of Homeland Security, and
Related Efforts for the fiscal year end-
ing September 30, 2003, and for other
purposes; which was ordered to lie on
the table; as follows:

On page 89, between lines 4 and 5, insert the
following:

SEC. 410. HOMELAND SECURITY GRANT PRO-
GRAM.

(a) REALLOCATION OF FUNDS.—The Director
of the Office of Domestic Preparedness, De-
partment of Homeland Security, shall allow
any State to request approval to reallocate
funds received pursuant to appropriations for
the State Homeland Security Grant Program
under Public Law 107–277, 106–113, 106–553,
107–77, or 108–7, among the 4 categories of
appropriations referenced in Public Law 108–7
and conditions of any loan guarantees to be
extended to Egypt, and to safeguard
the rights of nongovernment organizations
shall be zero.

SA 498. Ms. HUTCHISON (for her-
self, Mr. ALLEN, Mr. MILLER, Mrs.
DOLE, Mr. COLEMAN, Mr. FITZGERALD,
and Mr. CORNYN) submitted an amend-
ment intended to be proposed by her to
the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table as follows:

At the appropriate place, insert the following:

SEC. 210. No provision of this Act may be construed as altering or amending the force of or extending any of the following provisions of law, or any other provision of law, applicable to Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

(a) None of the funds appropriated by this Act may be obligated or expended to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table as follows:

At the end of chapter 2 of title I, insert the following:

SEC. 301. The aggregate appropriation under this Act for fiscal year 2003 for the Department of Homeland Security, is $31,280,000,000, respectively.

(b) Of the total amount appropriated by this Act to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

At the end of title IV, insert the following:

SEC. 210. No provision of this Act may be construed as altering or amending the force of or extending any of the following provisions of law, or any other provision of law, applicable to Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

(a) None of the funds appropriated by this Act may be obligated or expended to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table as follows:

At the end of chapter 2 of title I, insert the following:

SEC. 301. The aggregate appropriation under this Act for fiscal year 2003 for the Department of Homeland Security, is $31,280,000,000, respectively.

(b) Of the total amount appropriated by this Act to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

At the end of title IV, insert the following:

SEC. 210. No provision of this Act may be construed as altering or amending the force of or extending any of the following provisions of law, or any other provision of law, applicable to Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

(a) None of the funds appropriated by this Act may be obligated or expended to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table as follows:

At the end of chapter 2 of title I, insert the following:

SEC. 301. The aggregate appropriation under this Act for fiscal year 2003 for the Department of Homeland Security, is $31,280,000,000, respectively.

(b) Of the total amount appropriated by this Act to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

At the end of title IV, insert the following:

SEC. 210. No provision of this Act may be construed as altering or amending the force of or extending any of the following provisions of law, or any other provision of law, applicable to Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

(a) None of the funds appropriated by this Act may be obligated or expended to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table as follows:

At the end of chapter 2 of title I, insert the following:

SEC. 301. The aggregate appropriation under this Act for fiscal year 2003 for the Department of Homeland Security, is $31,280,000,000, respectively.

(b) Of the total amount appropriated by this Act to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

At the end of title IV, insert the following:

SEC. 210. No provision of this Act may be construed as altering or amending the force of or extending any of the following provisions of law, or any other provision of law, applicable to Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

(a) None of the funds appropriated by this Act may be obligated or expended to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table as follows:

At the end of chapter 2 of title I, insert the following:

SEC. 301. The aggregate appropriation under this Act for fiscal year 2003 for the Department of Homeland Security, is $31,280,000,000, respectively.
Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 12, line 9 strike everything after "expended" through "determine" on line 16. On page 13, line 12 after "appropriation" insert the following:

: Provided further, That of the funds made available under this heading, up to $500,000,000 shall be made available to support the military operations of foreign nations to combat international terrorism on such terms and conditions as the Secretary of Defense may prescribe by Secretary of State. Following notification of the congressional defense committees, may determine and shall remain available until September 30, 2003. Provided further. That funds provided under the proviso shall be made available to carry out the provisions of chapters 5 and 9 of part II of the Foreign Assistance Act of 1961 and the Arms Export Control Act, and shall be subject to section 8000 of Public Law 107–248.

Mr. WYDEN (for himself, Ms. COLLINS, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 89, between lines 4 and 5, insert the following:

TITLE V—GENERAL PROVISIONS, THIS ACT

SEC. 501. (a) The Under Secretary of Arms Control and International Security Affairs at the Department of State shall provide to the appropriate congressional committees the following reports:

1. Not later than 90 days after the date of the enactment of this Act, a report that provides a preliminary discussion of the items described in subsection (b).

2. Not later than 90 days after the date of the enactment of this Act, a report that provides a detailed and comprehensive analysis of the items described in subsection (b).

(b) The reports required by subsection (a) shall include the following:

1. A description of the chemical, biological, and nuclear weapons programs of the Iraqi regime.

2. A description of the missile or other delivery programs of the Iraqi regime that could be used to deliver chemical, biological, or nuclear weapons.

3. A description of the conventional military programs of the Iraqi regime.

4. A description of the sources of technology, materials, or equipment that the Iraqi regime has used in:

(A) chemical, biological, or nuclear programs;

(B) missile or other delivery programs; and

(C) conventional military programs.

5. A description of the instances in which United States technology, materials or equipment have made measurable contributions to nuclear, chemical, or biological weapons programs, or to the operations or assets of any country, organization, or other entity located within such foreign country that has been used in the programs referred to subparagraphs (A), (B), and (C) of paragraph (4).

6. An assessment of whether any foreign government had knowledge of any transfers of technology, materials, or equipment by an entity located within such foreign country that has been used in the programs referred to subparagraphs (A), (B), and (C) of paragraph (4).

7. An assessment of the effect, if any, of the United States export control regime, bilateral or multilateral exports control regimes, or the United Nations Oil-for-Food Program on Iraq's ability to acquire technology or equipment related to weapons of mass destruction or conventional military programs.

8. An assessment of the efforts of the Iraqi regime to evade international weapons inspections programs.

9. Any evidence that Iraq is exporting weapons, assets, materials, or scientific knowledge related to a weapons of mass destruction program and buying or providing of any country importing such weapons, assets, materials, or scientific knowledge.

(c) AUTHORITY TO OBTAIN INFORMATION.—In order to ensure that all information is reviewed and utilized in the preparation of the reports required by subsection (a), the Under Secretary may convene an interagency review of Iraq's weapons of mass destruction programs to review and analyze intelligence and other information necessary to complete such reports.

(d) FORM OF REPORTS.—Each report required by subsection (a) shall be submitted in unclassified form and may contain a classified annex.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" includes the Committees on Appropriations, Armed Services, Appropriations, and Intelligence of the Senate and the Committees on International Relations, Armed Services, Appropriations, and Intelligence of the House of Representatives.

Mr. KYL (for himself, Mr. McCAIN, and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 36, line 9, strike all through the ”,” on page 36, line 25 and insert the following:

BORDER AND TRANSPORTATION SECURITY CUSTOMS AND BORDER PROTECTION

For an additional amount for Customs and Border Protection, $75,000,000, to remain available until December 31, 2003, of which not less than $35,000,000 shall be for the Container Security Initiative and not less than $25,000,000 shall be for port security grants for the purpose of implementing theippers, and other forms of non-intrusive inspection equipment to be deployed at the Nation's ports-of-entry.

TRANSPORTATION SECURITY ADMINISTRATION

For additional amounts for necessary expenses of the Transportation Security Administration related to transportation security services pursuant to Public Law 107–71 and Public Law 107–108, $652,000,000, to remain available until December 31, 2003, of which not less than $50,000,000 shall be available for grants to public transit agencies in urbanized areas for enhancing the security of transit facilities against chemical, biological and other terrorist threats, not less than $147,000,000 shall be for shortfalls pursuant to Public Law 108–10, including port security grants, nuclear detection and monitoring equipment, and truck and intercity bus grants not less than $55,000,000 shall be for installation design, installation, and FAA certification of a system to defend commercial airliners against portable, infrared, heat-seeking missiles, not less than $20,000,000 shall be for port security grants for the purpose of implementing the provisions of the Maritime Transportation
Security Act, and not less than $100,000,000 shall be for railroad security grants including grants to the National Railroad Passenger Corporation for capital expenses associated with the tunnel and dispatch facility security enhancements.

**FEDERAL LAW ENFORCEMENT TRAINING CENTER**

**SALARIES AND EXPENSES**

For an additional amount for “Salaries and Expenses”, to remain available until December 31, 2003, to provide personnel, equipment and support for increased training requirements for Federal and State and local law enforcement personnel.

**OFFICE FOR DOMESTIC PREPAREDNESS**

For additional amounts for “Office for Domestic Preparedness,” $300,000,000, to remain available until December 31, 2003, for which $100,000,000 shall be for “Emergency Management Planning and Assistance”, to improve communications within and among first responders including law enforcement, firefighters, and medical services personnel, and $200,000,000 shall be for grants to high threat urban areas, which should be identified by criteria that include credible threat, vulnerability, the presence of infrastructure associated with national important, population, and needs of public safety organizations.

**UNITED STATES COAST GUARD**

**OPERATING EXPENSES**

For an additional amount for “Operating Expenses”, $72,000,000, to remain available until December 31, 2003, of which not less than $42,000,000 shall be for Port Security Assessments and the Port Security Assessment Program, and not less than $7,000,000 shall be for the purchase of radar detection equipment, and not less than $24,000,000 shall be for the establishment of Maritime Safety and Security Teams.

**ACQUISITION, CONSTRUCTION AND IMPROVEMENTS**

For an additional amount for “Acquisition, Construction and Improvements”, $40,000,000, to remain available until December 31, 2003, of which not less than $42,000,000 shall be for Port Security Assessments and the Port Security Assessment Program, and not less than $7,000,000 shall be for the purchase of radar detection equipment, and not less than $24,000,000 shall be for the establishment of Maritime Safety and Security Teams.

**DEPARTMENT MANAGEMENT**

**CONTINGENT ORI GINAL FUND**

For an additional amount for the “Contingency Fund,” necessary expenses as determined by the Secretary of Homeland Security, $105,000,000, to remain available until December 31, 2003, and not less than $42,000,000 shall be for Port Security Assessments and the Port Security Assessment Program, and not less than $7,000,000 shall be for the purchase of radar detection equipment, and not less than $24,000,000 shall be for the establishment of Maritime Safety and Security Teams.

**及相关 Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:**

At the appropriate place, insert the following:

**SEC. 509.** Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

**SA 509.** Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 31, line 13, after “State” insert the following: the Department of the Treasury.

**SA 510.** Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 31, line 13, after “State” insert the following: the Department of the Treasury.

**SA 511.** Mr. STEVENS (for Mr. INOUYE) submitted an amendment intended to be proposed by Mr. STEVENS to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 31, line 13, after “State” insert the following: the Department of the Treasury.

**SA 512.** Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. 509.** Technical Assistance for Conservation Programs.

(a) In General.—Section 124 of the Food Security Act of 1985 (16 U.S.C. 3841) is amended by striking subsection (b) and inserting the following:

(b) Technical Assistance.—

In General.—For fiscal year 2003 and subsequent fiscal years, the Commodity Credit Corporation funds made available to carry out the conservation security program under subsection (a) are used for expansion and extension assistance for sustainable agricultural production in underdeveloped areas of the United States.

(1) $200,000,000 shall be for grants to States and tribal Governments, affected local governments, and other organizations to support the provision of technical assistance to States and tribal Governments, affected local governments, and other organizations for the purpose of responding to such crises, including the following:

(A) The amendment made by subsection (a) takes effect on February 20, 2003.

(B) $70,000,000 shall be for the provision of technical assistance for conservation programs specified in subsection (a) other than the conservation security program.

**SA 513.** Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 26, line 13, strike everything after “only” through “peace” on line 17 and insert in lieu thereof: “If the President determines and notifies Congress in accordance with the regular notification procedures of the Committees on Appropriations, that it is in the national interest to provide such sums on an emergency basis, consistent with authorities in the Foreign Assistance Act of 1961, for the purpose of responding to such crises, including:”.

On page 26, line 7, strike “funds” and everything thereafter through “tions” on line 10, and insert in lieu thereof: “not to exceed”.

**SA 514.** Mr. SCHUMER (for himself, Mrs. CLINTON, Ms. MIKULSKI, Mr. LIEberman, Mr. KENNEDY, Ms. STABENOW, Mrs. BOXER, Mr. JOHNSON, Mr. BINGAMAN, Mr. NELson of Nebraska Mr. LEAHY, Mr. Baucus, Mr. Akaka, Mr. SARBANES, and Mr. LAuTenBERG) proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 37, strike lines 3 through 25 and insert in lieu thereof:

For additional amounts for the “Office for Domestic Preparedness”, as authorized by
the Homeland Security Act of 2002 (Public Law 107–296), the USA PATRIOT Act of 2001 (Public Law 107–56), and the National Defense Authorization Act of 1996 (Public Law 104–201), the costs of law enforcement, fire, emergency medical services, and other emergency personnel, including overtime expenses and reimbursement for States and units of local government, subject to the minimum grant amount requirement of section 1014 of the USA PATRIOT Act of 2001, and the requirement that remaining amounts be distributed on a per capita basis, for the purchase of needed equipment, including interoperable communications equipment, and to provide training, exercise, planning, and personnel funds to State and local first responders: Provided, That the Office for Domestic Preparedness (referred to under this heading as the "Office") shall transfer funds for such grants to States not later than 30 days after the date of enactment of this Act, and not less than 80 percent of funds made available to each State under this provision shall be made available to units of local government based on population within 30 days of receipt by the State: Provided further, That up to 20 percent of the amount made available under the first proviso shall be for costs of law enforcement, fire, emergency medical services, and other emergency personnel, including overtime expenses and reimbursement of States and units of local government, subject to the minimum grant amount requirement of section 1014 of the USA PATRIOT Act of 2001, and the requirement that remaining amounts be distributed on a per capita basis, for the purchase of needed equipment, including interoperable communications equipment, and to provide training, exercise, planning, and personnel funds to State and local first responders: Provided further, That the Office for Domestic Preparedness (referred to under this heading as the "Office") shall transfer funds for such grants to States not later than 30 days after the date of enactment of this Act, and not less than 80 percent of funds made available to each State under this provision shall be made available to units of local government within 30 days of receipt.

For additional amounts under the Acts referred to in the preceding paragraph for grants to States and urban areas, which should be identified by criteria that include credible threat, vulnerability, the presence of infrastructure of national importance, population, and needs of public safety organizations, for the purchase of equipment, including interoperable communications equipment, and to provide training, planning, personnel costs, $1,045,000,000, to remain available until December 31, 2003: Provided, That not less than 80 percent of funds made available under this provision shall be made available to units of local governments: Provided further, That up to 20 percent of this amount shall be for costs of law enforcement, fire, emergency medical services, and other emergency personnel, including overtime expenses (in addition to personnel costs related to training).

For additional amounts for such other purposes as authorized under section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), $155,000,000, to remain available until December 31, 2003: Provided, That not less than 80 percent of funds made available under this provision shall be made available to units of local governments: Provided further, That up to 20 percent of this amount shall be for costs of law enforcement, fire, emergency medical services, and other emergency personnel, including overtime expenses (in addition to personnel costs related to training).

For additional amount, $310,000,000, which shall be transferred to, and merged with, funds in the "Community Oriented Policing" (title I of the 1994 Act, for the hiring of law enforcement officers to prevent acts of terrorism and other violent and drug-related crimes, of which up to 30 percent shall be available for overtime expenses.

SA 515. Mr. SPECTER proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes, to be inserted in lieu thereof:

On page 37, line 10, strike "$2,500,000,000," and insert in lieu thereof "$1,200,000,000." On page 37, line 12, strike "$1,400,000,000," and insert in lieu thereof "$500,000,000." On page 37, line 17, strike "$450,000,000," and insert in lieu thereof "$300,000,000." On page 37, line 23, strike "$100,000,000," and insert in lieu thereof "$50,000,000."
SA 522. Mr. STEVENS proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes, as follows:

At the appropriate place, insert the following:

SEC. 203(a) of the Agricultural Assistance Act of 1968: $155,000,000:

1710(e)(1)(D) of title 38, United States Code, is amended by adding at the end of subsection (b) the following:

That of the amount made available under this heading, $150,000,000, to remain available until expended:

For an additional amount for "Operations and Maintenance, General", $29,000,000, to remain available until expended.

SEC. 624 of division B of the Consolidated Appropriations Resolution, 2003 (Public Law 108-7), is amended by striking before the period at the end of paragraph (2) the words "for fiscal year" and inserting "for fiscal year 2003 and each subsequent fiscal year, the Secretary shall use the funds made available under this subsection to make grants, in equal shares, to each state described in paragraph (1) to provide assistance to producers in the State in accordance with this subsection. A grant made available under this paragraph shall remain available until expended."

SEC. 801(c) of the National Energy Conservation Act of 2001 (title V of section 1801 of division B of Public Law 107-296), is amended by adding at the end of section 801(c) the following:

That of the amount made available under this heading, $16,000,000, to remain available until expended:

For an additional amount for "National Security Administration Weapons Activities", $36,000,000 of the funds provided shall be available for nuclear nonproliferation activities:

For an additional amount for "Border Protection":

For an additional amount for "Nuclear Nonproliferation":

For an additional amount for "Other Defense Activities":

For an additional amount for "Defense Environmental Restoration and Waste Management":

For an additional amount for "Severe Acute Respiratory Syndrome (SARS)":

At the appropriate place, insert the following:

DEPARTMENT OF VETERANS AFFAIRS

Veterans Health Administration MEDICAL CARE

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities: for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs, and for other necessary expenses, not under the jurisdiction of the department, and for furnishing recreational facilities, supplies, and equipment incident to the provision of hospital care, medical services, and nursing, as authorized by section 1710(e)(1)(D) of title 38, United States Code, $155,000,000. Provided, That such amount shall remain available until expended:

On page 46, between lines 3 and 4, insert the following:

(e) LIVESTOCK COMPENSATION PROGRAM.—Section 103 of the Agricultural Assistance Act of 2003 (title II of division N of Public Law 108-7) is amended by adding at the end of subsection (a) the following:

"(A) IN GENERAL.—To provide assistance to eligible applicants under paragraph (2)(B), the Secretary shall provide grants to appropriate State departments of agriculture (or other appropriate State agencies) that agree to provide assistance to eligible applicants.

(B) Amount of grants.—The amount of grants provided under subparagraph (A) shall be equal to the total amount of assistance that the Secretary determines all eligible applicants are entitled to receive under paragraph (2)(B).

On page 18, line 8, strike all that follows through page 20, line 10 and insert the following:

CHAPTER 4

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

For an additional amount for homeland security expenses, For "Water and Related Resources", $25,000,000, to remain available until expended.

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

SCIENCE

For an additional amount for "Science" for expenses necessary to support safeguards and security of nuclear and other facilities and for other necessary expenses, $117,060,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For an additional amount for "Weapons Activities" for expenses necessary to safeguard nuclear weapons and nuclear material, $61,000,000, to remain available until expended:

Provided, That $25,000,000 of the funds provided shall be available for foreign transportation asset activities:

Provided further, That $36,000,000 of the funds provided shall be available to meet increased safeguards and security needs throughout the nuclear weapons complex.

NUCLEAR NONPROLIFERATION

For an additional amount for "Nuclear Nonproliferation" for expenses necessary to safeguard fissile nuclear material, $150,000,000, to remain available until expended:

Provided, That $84,000,000 of the funds provided shall be available for the development and deployment of nuclear detectors at mega seaports, in coordination with the Department of Homeland Security Bureau of Customs and Border Protection:

Provided further, That $17,000,000 of the funds provided shall be available for detection and deterrence of radiological dispersal devices:

Provided further, That $17,000,000 of the funds provided shall be available for the packaging and disposition of any nuclear material found in Iraq:

Provided further, That $5,000,000 of the funds provided shall be available for the CAESAR (Cut and Advance: Exemplary Seismic Assessment and Rapid Evaluation) Program:

Provided further, That $2,500,000 of the funds provided shall be available for the Caucasus Seismic Network:

Provided further, That $17,000,000 of the funds provided shall be available for the detection and prevention of illicit trafficking in nuclear material and other weapons of mass destruction:

Provided further, That $36,000,000 of the funds provided shall be available for other national defense, security, and conservation activities:

Provided further, That $2,500,000 for the Caucasus Seismic Network:

Provided further, That $36,000,000 of the funds provided shall be available for nuclear nonproliferation assistance to nations other than the former Soviet Union:

Provided further, That $15,000,000 of the funds provided shall be available for nuclear nonproliferation verification programs, including $2,500,000 for the Caucasus Seismic Network:

Provided further, That $5,000,000 of the funds provided shall be available for the packaging and disposition of any nuclear material found in Iraq:

Provided further, That $5,000,000 of the funds provided shall be available for nuclear material detection materials and programs:

Provided further, That $5,000,000 of the funds provided shall be available for international export control cooperation activities:

Provided further, That $2,000,000 of the funds provided shall be available for vulnerability assessments of spent nuclear fuel casks.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For an additional amount for "Defense Environmental Restoration and Waste Management":

For an additional amount to support safeguards and security activities at nuclear and other facilities, $5,000,000, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For an additional amount for "Other Defense Activities":

For an additional amount for "Defense Environmental Restoration and Waste Management":

For an additional amount to support safeguards and security activities at nuclear and other facilities, $5,000,000, to remain available until expended.

For an additional amount for "Severe Acute Respiratory Syndrome (SARS)":

At the appropriate place, insert the following:

SEVERE ACUTE RESPIRATORY SYNDROME (SARS)

For an additional amount for "Centers for Disease Control and Prevention, Disease Control, Research, and Training", $16,000,000 for costs associated with the prevention and control of Severe Acute Respiratory Syndrome (SARS):

Insert on page 69, after line 24 the following:

NATIONAL SCIENCE FOUNDATION RESEARCH AND RELATED ACTIVITIES

The first sentence under this heading in Public Law 108-7 is amended by striking "$300,000,000" and inserting in lieu thereof "$350,000,000".
At the appropriate place, insert the following:

**SEC. 1. USE OF ORGANICALLY PRODUCED FEED FOR CERTIFICATION AS ORGANIC FARM.**

Section 771 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2003 (Division A of Public Law 108–7) is repealed.

At the appropriate place in the bill insert the following general provision:

**SEC. 2. WILD SEAFOOD.** Section 2107 of the Organic Foods Production Act of 1990 (7 U.S.C. 6503) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively, and

(2) by inserting after section (b) the following:

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(c) WILD SEAFOOD—
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(1) in general.—Notwithstanding the requirement of section 2107(a)(1)(A) requiring products be produced only on certified organic farms, the Secretary shall, through regulations promulgated after public notice and opportunity for comment, wild seafood to be certified or labeled as organic.

(2) consultation and accommodation. In carrying out paragraph (1), the Secretary shall—
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(A) consult with—
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(i) the Secretary of Commerce; and
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(ii) the National Organic Standards Board established under subsection 2119;
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(iii) producers, processors, and sellers; and
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(iv) other interested members of the public; and
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(b) to the maximum extent practicable, accommodate the unique characteristics of the industries in the United States that harvest and process wild seafood.
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At the appropriate place, insert the following:

**SEC. 3. POSTAL PATRON POSTCARDS.**

The matter under the subheading "MISCELLANEOUS ITEMS" under the heading "CONTINGENT EXPENSES OF THE SENATE" under title I of the Legislative Branch Appropriations Act, 2003 (Public Law 108–7) is amended by striking "with a population of less than 250,000".

At the appropriate place in the bill insert the following general provision:

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Sec. 3. None of the funds in this Act may be obligated or expended for transportation described in section 14106 of title 49, United States Code, to be performed by an air carrier that is not effectively controlled by citizens of the United States.
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On page 12, line 9, after "exceeded," insert the following:

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At the end of chapter 3, insert the following:

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"Sec. 314. (a) None of the funds appropriated by this Act may be obligated or expended to reduce the number of American Registry of Pathology personnel used by the Armed Forces Institute of Pathology for programs, projects, and activities of the Institute during fiscal year 2000 below the number of such personnel who are so used as of April 1, 2003.

(b) Of the total amount appropriated by chapter 3 of title I under the heading "Defence Health Program", $7,500,000 shall be available for the Armed Forces Institute of Pathology.
```

At the end of chapter 3, insert the following new provision:

**SEC. 314. Of the funds appropriated in the Department of Defense Appropriations Act, 2003, $7,500,000 shall be hereby rescinded from the following account and program in the specified amount:

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Starting on page 2, line 11, strike all through line 6 on page 3, and insert in lieu thereof:

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"DETENTION TRUSTEE"

For an additional amount for "Detention Trustee" for the detention of Federal prisoners in the custody of the United States Marshals Service, $10,600,000 shall remain available until September 30, 2003.

**INTERAGENCY LAW ENFORCEMENT INTERAGENCY LAW ENFORCEMENT SUPPORT**

**INCLUDING TRANSFER OF FUNDS**

For expenses necessary to administer and support joint Federal, State, local, and foreign law enforcement activities, including the design, development, test, deployment, maintenance, upgrade, or retirement of systems; the purchase, lease, loan, or maintenance of equipment and vehicles; the design, construction, maintenance, upgrade, or demolition of facilities; and travel, overtime, and other support, $72,000,000, which shall remain available until December 31, 2003: Provided, That the funds provided under this heading shall not be available for obligation or expenditure except in compliance with the procedures set forth in the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2003.

At the appropriate place in Title I, Chapter 6, insert the following:

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"FEDERAL EMERGENCY MANAGEMENT AGENCY"

"DISASTER RELIEF" (INCLUDING TRANSFERS OF FUNDS) EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

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On page 98, between lines 4 and 5, insert the following:

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TITLE V—GENERAL PROVISIONS, THIS ACT

SEC. 501. Section 1270(b) of title 10, United States Code, is amended by striking "2001" and inserting "2002".
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At the appropriate place, insert the following:

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SEC. 502. Section 626 of title VI of division B of Public Law 108–7 is amended by striking "previously".
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At the appropriate place in the bill add the following general provision:

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SEC. 7304. Section 7304 of Public Law 107–109 is amended by striking "such as", and inserting in lieu thereof "operated by".
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On page 101, line 5, after the colon, insert the following:

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Provided further, That up to $20,000,000 of the funds appropriated by this paragraph may be transferred to, and merged with funds appropriated under the heading "Andean Counterdrug Initiative" for aircraft, training, and other assistance for the Colombian Armed Forces.
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Insert on page 24, after line 14, the following:

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ENVIRONMENTAL PROTECTION AGENCY ADMINISTRATIVE PROVISION

Within 30 days of enactment of this Act, the Administrator of the Environmental Protection Agency shall adjust each "maximum annual fee payable" pursuant to 7 U.S.C. 136a–1(5)(D) and (E) in a manner necessary to ensure that operators are made to reach the level authorized in Division K of Public Law 108–7 shall be established in the
same proportion as those Maintenance Fee collections authorized in Public Law 107-73. At the appropriate place, add the following:
(a) The Secretary of the Army may accept funds from the State of Utah, and credit them to the appropriate Department of the Army accounts for the purpose of the funding of activities associated with extending the runway at Michael Army Airfield, Dugway Proving Ground, Utah, as part of a previously authorized military construction project.
(b) The Secretary may use the funds accepted for the refurbishment, in addition to funds appropriated for the project, The authority to accept a contribution under this section does not authorize the Secretary of the Army to reduce expenditures for amounts appropriated for the refurbishment project. The funds accepted shall remain available until expended.
(c) The authority provided in this section shall be effective on the date of the enactment of this Act.
Section 501(b) of title V of division N of the Consolidated Appropriations Resolution, 2003 is amended—
(1) by striking "program authorized for the fisheries in Sec. 211" and inserting "programs authorized for the fisheries in sections 211 and 212,,
(2) by striking "program in section 211" and inserting "programs in sections 211 and 212,"
On page 32, line 13 strike the period and add the following: "Provided further, That of the funds appropriated under this heading, $4,300,000 shall be made available to the United States Agency for International Development Office of Inspector General for the purpose of monitoring and auditing expenditures for the reconstruction and related activities in Iraq: Provided further, That such sums are in addition to funds otherwise made available by this Act to such office.
At the end of chapter three, insert the following:
SEC. 210. No provision of this Act may be construed as altering or amending the force of any of the following provisions of law currently applied:
(a) the policy of the Secretary with respect to the Bill Emerson Humanitarian Trust established under the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1 et seq.), including whether that policy includes an intention to replenish the Trust; and
(b) the means by which the Secretary proposes to ensure that the United States retains the long-term strategy and capability to respond to emergency international food shortages; and
(3) whether, and to what extent, other food aid programs conducted by the Secretary and the Administrator will be a part of that strategy.
At the end of chapter 2 of title I, add the following:
SEC. 210. No provision of this Act may be construed as altering or amending the force or effect of any of the following provisions of law as currently applied:
(1) Sections 2631 and 2633a of title 10, United States Code.
(2) Sections 1102 and 901 of the Merchant Marine Act, 1936 (46 U.S.C. App. 1102(b), 1102(b)).
(3) Public Resolution Numbered 17, Seventy-third Congress (40 Stat. 500).
(4) Any other similar provision of law requiring the use of privately owned United States flag commercial vessels for certain international food aid purposes.
On page 89, between lines 4 and 5, insert the following:
TITLE V—GENERAL PROVISIONS,This Act
SEC. 501. Section 1605 of title 28, United States Code, is amended by adding at the end the following new subsection:
(1) Claims for money damages for death or personal injury.—(A) Any United States citizen who dies or suffers injury caused by a foreign state's act of torture, extrajudicial killing, aircraft sabotage, or hostage taking committed on or after November 1, 1979, and any member of the immediate family of such citizen shall have a cause of action for money damages against such foreign state, as authorized by subsection (a)(7), for death or personal injury (including economic, noneconomic, solatium, pain and suffering).
(2) A claim under paragraph (1) shall not be barred or precluded by the Algiers Accords.
At the appropriate place insert the following:
SEC. 212. The Bureau of Customs and Border Protection shall—
(1) inspect all commercial motor vehicles (as defined in section 3101(1) of title 49, United States Code) carrying municipal solid waste and seeking to enter the United States through the Blue Water Bridge port-of-entry in Port Huron, Michigan and the Ambassador Bridge port-of-entry in Detroit, Michigan and ensure that
(c) by May 2003, the Blue Water Bridge in Port Huron, MI shall be:
(1) equipped with radiation detection equipment;
(2) staffed by Bureau inspectors formally trained in the process of detecting radio-active materials in cargo and equipped with both portal monitor devices and hand-held isotope identifiers.
At the appropriate place insert the following:
SEC. — TECHNICAL ASSISTANCE FOR CONSERVATION PROGRAMS.
(a) In General. Section 1222 of the Food Security Act of 1985 (7 U.S.C. 1784) is amended by striking subsection (b) and inserting the following:
(b) TECHNICAL ASSISTANCE.—
(1) In General.—Effective beginning on the date of enactment of the Agricultural Assistance Act of 2003, subject to paragraph (2), Commodity Credit Corporation funds made available under paragraphs (4) through (7) of subsection (a) shall be available for the provision of technical assistance (subject to section 1242) for the conservation programs specified in subsection (a).
(2) CONSERVATION SECURITY PROGRAM. —Effective for fiscal year 2004 and subsequent fiscal years, Commodity Credit Corporation funds made available to carry out the conservation security program under subsection (a)(3)
(1) shall be available for the provision of technical assistance for the conservation security program; and
(2) shall not be available for the provision of technical assistance for conservation programs specified in subsection (a) other than the conservation security program.:
(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on February 20, 2003.
At the end of title IV, insert the following:
SEC. 4401. It is the sense of the Senate that
(1) the asset acquisition of Trans World Airlines by American Airlines was a positive action that should be commended;
(2) although the acquisition was a positive action, the combination of the 2 airlines has resulted in a difficult seniority integration process that has put the majority of the employee groups involved;
(3) airline layoffs from American Airlines should be conducted in a manner that maintains maximum levels of training and equitable treatment for all parties involved; and
(4) American Airlines should encourage its employee groups to integrate all employees in a manner that is fair and equitable for all parties involved.
SA 523. Mr. Frist (for Mr. Bingham) proposed an amendment to the bill S. 302, to revise the boundaries of the Golden Gate National Recreation Area in the State of California, to restore and extend the term of the advisory board for the recreation area, and for other purposes; as follows:

On page 59, lines 4 and 5, insert "numbered NPS–80,079D and dated Feb

SA 524. Ms. Collins submitted an amendment intended to be proposed by her to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 89, between lines 4 and 5, insert the following:

SEC. 410. DEPARTMENT OF HOMELAND SECURITY.

(a) DIRECTOR OF STATE AND LOCAL GOVERNMENT COORDINATION.—Section 801(a) of the Homeland Security Act of 2002 (Public Law 107–296) is amended to read as follows:

"(a) ESTABLISHMENT.—"

(1) IN GENERAL.—There is established within the Office of the Secretary the Office for State and Local Government Coordination, to oversee and coordinate departmental programs for and relationships with State and local governments.

"(2) DIRECTOR.—The Office established under paragraph (1) shall be headed by the Director of State and Local Government Coordination, who shall be appointed by the President, and with the advice and consent of the Senate."

(b) OFFICE FOR DOMESTIC PREPAREDNESS.—The Homeland Security Act of 2002 (Public Law 107–296) is amended—

(1) by redesignating section 430 as section 802 and transferring that section to the end of subtitle A of title VIII;

(2) in section 802, as redesignated by paragraph (1)—

(A) in subsection (a), by striking "the Director of the Department of Homeland Security" and inserting "the Office of State and Local Government Coordination"

(B) in subsection (b), by striking "who shall be appointed by the President" and all that follows and inserting "who shall report directly to the Director of State and Local Government Coordination";

(C) in subsection (c)(7)–

(i) by striking "other" and inserting "the";

(ii) by striking "consistent with the mission and functions of the Director.

AUTHORITY FOR COMMITTEES TO MEET COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. Stevens. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to conduct a hearing during the session of the Senate on Thursday, April 3, 2003. The purpose of this hearing will be to review the reauthorization of child nutrition programs.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. Stevens. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet on the Senate floor on Thursday, April 3, 2003, at 10 a.m., to conduct an oversight hearing on "The Federal Reserve Board Proposal on Check Truncation."

The committee will also vote on the nominations of Mr. Alfred Flamann, of California, to be a member of the Board of Directors of the National Consumer Cooperative Bank; Mr. Thomas Waters Grant, of New York, to be a director of the Securities Investor Protection Corporation; Mr. Noe Hinojosa, Jr., of Texas, to be a director of the Securities Investor Protection Corporation; and Mr. William Robert Timken, Jr., of Ohio, to be a director of the Securities Investor Protection Corporation.

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

COMMITTEE ON FINANCE

Mr. Stevens. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, April 3, 2003, at 9:15 a.m., to hear testimony on the Purchasing Health Care Services in a Competitive Environment.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. Stevens. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 3, 2003, at 10 a.m. to hold a hearing on Western Hemisphere Nominations.

Nominations: Mr. Lino Gutierrez to be Ambassador to Argentina; Mr. James Foley to be Ambassador to Haiti; and Mr. Roland W. Bullen to be Ambassador to Guyana.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. Stevens. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 3, 2003, at 2:30 p.m., in open session to receive testimony on Navy, Marine Corps, and Air Force aviation and air-launched weapons programs, in review of the Defense authorization request for the Fiscal Year 2004 and the future years defense program.

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

PRIVILEGE OF THE FLOOR

Ms. Landrieu. Mr. President, I ask unanimous consent that Jason Matthews, of my staff, be allowed on the floor.

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

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. Frist. Mr. President, as in executive session, I ask unanimous consent that at 5 p.m., on Monday, April 7, the Senate proceed to executive session and an immediate vote on the confirmation of Calendar No. 78, Cormac Carney, to be U.S. District Judge for the Central District of California; and further ask that the President be immediately notified of the Senate's action, and that the Senate then resume legislative session.

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

UNANIMOUS CONSENT AGREEMENT—S. 476

Mr. Frist. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, after consultation with the Democratic leader, the Senate proceed to Calendar...
April 3, 2003

CONGRESSIONAL RECORD—SENATE
S4871

No. 22, S. 476, the CARE Act, and it be considered under the following limitation: there be 4 hours of general debate, equally divided in the usual form; provided that the only amendments in order be the following: a managers' amendment, which will be attached thereto; a Nickles amendment, conservation; provided further, that there be 30 minutes of debate on the amendments, equally divided in the usual form. I further ask consent that following the disposition of the above amendments, the bill be considered in its original form; and the Senate proceed to a vote on passage of the bill, as amended, with no intervening action or debate. I finally ask consent that no points of order be waived by virtue of this agreement, and that following passage of the bill, it be held at the desk.

The PRESIDING OFFICER. Is there objection?

Mr. REED. Mr. President, reserving my right to object.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. If the majority leader would respond, we had the opportunity to talk about this particular piece of legislation. Senator SANTORUM has taken the amendments of the legislation that do not apply to the tax rules. And we discussed, and I think reached an understanding, that those charitable choice items that would pose significant issues with respect to church and state have been eliminated from the underlying bill.

The bill we will consider is from the Finance Committee with simple tax provisions. And I know that Senator SANTORUM has indicated he would use his efforts, and your efforts presumably, in the conference to prevent the addition of those elements to which we have objected.

And I would assume that despite your best efforts, if such elements were included within the bill when it came back in the form of a conference report, this Senate would not take up such a conference report. Is that a fair understanding?

Mr. FRIST. Mr. President, the Senator from Rhode Island is correct in the nature of the discussion between the Senator from Pennsylvania, myself, and the Senator from Rhode Island.

Mr. REED. Further reserving my right to object, I notice that in the managers' amendment there is language with respect to the Compassionate Capital Fund, which is not a tax-financed provision. It essentially is authorizing a program that was begun in the appropriations bill a few years ago.

Questions have been raised with the use of these funds, et cetera. I wonder, in order to expedite this, if that particular provision of the managers' amendment read a third time, whether it would be placed in a position where a possible amendment could be raised.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, what I would prefer to do is refer that question to the manager of the bill because I am not familiar with that aspect of it. That will be Mr. SANTORUM, the Senator from Pennsylvania.

Mr. REED. Mr. President, again, I am also operating on the knowledge, but not complete knowledge, of why this provision is in the managers' amendment. I am prepared to accept the underlying agreement; I just have this one question which I find, at this point, important. I would agree to this to this Compassionate Capital Fund.

But as far as your assertions, which I appreciate, and the underlying legislation, I have no problem with this consent; it is just that one point about the managers' amendment.

I don't know what you would like to do to try to resolve that, though.

Mr. FRIST. Mr. President, I am not in a position now to withdraw that amendment at this juncture. I am simply referring to it. I understand there was an agreement that it be there as part of it. I think we can continue the discussion on Monday when we are back in. But right now, I am not in a position to withdraw that.

Mr. REED. The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. If I could direct a question to the Senator from Rhode Island: Is this the understanding the Senator had with the Senator from Pennsylvania?

Mr. REED. The understanding I had with the Senator from Pennsylvania, to be fair and accurate, did not reach the contents of the managers' amendment. It was my impression that the managers' amendment would simply be tax amendments with respect to the Internal Revenue Code and the jurisdiction of the Finance Committee.

I am a bit surprised, frankly, coming this evening and seeing something that is not within the additional scope of the Finance Committee. Perhaps I might be wrong. This is something I didn't expect, but I must be very fair and accurate that this was not an issue we even discussed.

My presumption was that all the amendments would be strictly related to tax provisions and not to this Compassionate Capital Fund. I must say, I understand that the funds have been appropriated under the context of this Compassionate Capital Fund. This is an attempt to provide legislative language. I have not had a chance to look at the language. It is included within a managers' amendment without any opportunity to amend the managers' amendment. I am in an awkward position.

Mr. REID. Mr. President, if I could make a suggestion: If we could modify the leader's request that there be a motion to strike in order that the Senator from Pennsylvania can't work this out with the Senator from Rhode Island, this one provision.

Mr. FRIST. Mr. President, we can check on that. It is my understanding that this has been available to the other side, that this had been agreed to. If not, at this juncture I am just not in a position to agree to a motion to strike.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mr. REED. Mr. President, once again, reserving my right to object, I think both the majority leader and the Senator from Pennsylvania have been operating completely in good faith, have made sincere efforts to respond to our concerns. At this juncture, I would hope we could work out, through an amendment to the consent, a provision at least to give us the opportunity to look at it. I, frankly, having just seen this, this evening, I don't know if this simply codifies what is already operating and is, in a sense, innocuous or something more. It is not my intention to try at this point to upset the agreement because I think it was reached on a good-faith basis.

I wonder if there is some way we can maintain the opportunity to look at this, agree to the consent this evening, look at it, and if it is something highly noncontroversial, at least have the opportunity to strike.

I think the suggestion by the Senator from Nevada is a good one. Frankly, I must say I am not prepared at this moment to offer a conclusion as to whether this should be held in order or not. I was just surprised that a nontax item is included in the managers' amendment along with others that are relatively noncontroversial.

Mr. REID. I apologize to the leader.

If I could make a suggestion, I know how deeply the Senator from Pennsylvania feels about this legislation. I am confident he wouldn't do anything that was untoward purposely. So I hope the Senator from Rhode Island will accept this agreement, and we will work with Senator SANTORUM to see if something can be done. I will personally work with Senator SANTORUM to see if he would allow us a motion to strike, but that is not part of this deal.

Mr. REED. If I may reclaim my time, again, both the leader and the Senator have been extremely cooperative and helpful in trying to reach this point. I understand that once this legislation is passed by the Senate, it will be placed on the desk, and there are no procedural opportunities there. I believe, to try to address this at least to somehow get an opportunity to look at this measure. Also with the opportunity to look at this over the course of the next few days, my apprehensions might be misplaced and we can proceed forward. But I think, again, the intention and the understanding we had have been met. I am just surprised about the inclusion of this particular piece of something like a technical managers' amendment.

Given the commitment the majority leader has made, certainly, about the overall status of this legislation, should it return from the other body.
Mr. FRIST. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House of Representatives to accompany S. 151 to amend title 18, United States Code, with respect to the sexual exploitation of children.

There being no objection, the Presiding Officer (Mr. TALENT) laid before the Senate the following message from the House of Representatives:

Resolved, That the House insist upon its amendments to the bill (S. 151) entitled "An Act to amend the Child Abuse Prevention and Treatment Act to make improvements to and reauthorize programs under that Act, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION I—SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Keeping Children and Families Safe Act of 2003".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CHILD ABUSE PREVENTION AND TREATMENT ACT

Sec. 101. Findings.

Subtitle A—General Program

Sec. 102. Definitions.

Sec. 103. Functions.

Sec. 104. Authorization of appropriated funds.

Sec. 105. Technical and conforming amendments.

Sec. 106. Transitioning.

Sec. 107. Authorization of appropriated funds (as so redesignated).

Sec. 108. Release of funds.

Sec. 109. Monitoring and evaluation.

Sec. 110. Authorization of appropriated funds.

Subtitle B—Community-Based Grants for the Prevention of Child Abuse

Sec. 111. National clearinghouse for information about child abuse.

Sec. 112. Research and assistance activities and demonstrations.

Sec. 113. Grants to States and public or private agencies.

Sec. 114. Grants to States for child abuse and neglect prevention and treatment programs.

Sec. 115. Grants to States for programs relating to the investigation and prosecution of child abuse and neglect cases.

Sec. 116. Miscellaneous requirements relating to assistance.

Sec. 117. Authorization of appropriations.

Sec. 118. Reports.

Subtitle C—Conforming Amendments

Sec. 119. Federal child abuse prevention programs.

Sec. 120. Purpose and authority.

Sec. 121. Eligibility.

Sec. 122. Amount of grant.

Sec. 123. Existing grants.

Sec. 124. Application.

Sec. 125. Local program requirements.

Sec. 126. Performance measures.

Sec. 127. Prevention of child neglect.

Sec. 128. National network for community-based family resource programs.

Sec. 129. Definitions.

Sec. 130. Authorization of appropriations.

Sec. 131. Reports.

Sec. 132. Definitions.

Sec. 133. Authorization of appropriations.

Sec. 134. Evaluation.

Sec. 135. Authorization of appropriations.

Sec. 136. Evaluation.

Sec. 137. Authorization of appropriations.

Sec. 138. Evaluation.

Sec. 139. Authorization of appropriations.

TITLE II—ADOPTION OPPORTUNITIES

Sec. 201. Congressional findings and declaration of purpose.

Sec. 202. Information and services.

Sec. 203. Study of adoption placements.

Sec. 204. Study of successful adoptions.

Sec. 205. Authorization of appropriations.

TITLE III—ABANDONED INFANTS ASSISTANCE

Sec. 301. Findings.

Sec. 302. Establishment of local programs.

Sec. 303. Evaluations, study, and reports by Secretary.

Sec. 304. Authorization of appropriations.

Sec. 305. Definitions.

TITLE IV—FAMILY VIOLENCE PREVENTION AND SERVICES ACT

Sec. 401. State demonstration grants.

Sec. 402. Secretarial responsibilities.

Sec. 403. Evaluation.

Sec. 404. Information and technical assistance centers.

Sec. 405. Authorization of appropriations.

Sec. 406. grants for State domestic violence coalitions.

Sec. 407. Evaluation and monitoring.
that show promise of success with respect to the prevention, assessment, identification, and treatment of child abuse and neglect and hold the potential for broad scale implementation and replication.

(2) in paragraph (2), by striking the period and inserting a semicolon;

(3) by redesignating paragraph (2) as paragraph (3);

(4) by inserting after paragraph (1) the following:

"(2) to maintain information about the best practices used for achieving improvements in child protective systems;"; and

(5) by adding at the end the following:

"(4) appropriate State and local officials to assist in training law enforcement, legal, judicial, educational, health, education, and child welfare personnel.";

(b) Coordination With Available Resources.—Section 103(c)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5104(c)(1)) is amended—

(1) in subparagraph (E), by striking "105(a)" and inserting "104(a)";

(2) by redesignating subparagraph (F) as subparagraph (G); and

(3) by inserting after subparagraph (E) the following:

"(F) collect and disseminate information that describes best practices being used throughout the Nation for making appropriate referrals related to, and addressing, the physical, developmental, and mental health needs of abused and neglected children; and";

SEC. 112. RESEARCH AND ASSISTANCE ACTIVITIES AND DEMONSTRATIONS.

(a) Research.—Section 104(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5104(a)) is amended—

(1) in the matter preceding subparagraph (A), by inserting "and neglect of" before "on child abuse and neglect;"

(2) in subparagraph (A), by striking "and" at the end

(3) by redesignating paragraph (2) as paragraph (3);

(b) Provision of Technical Assistance.—Section 104(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5104(b)) is amended—

(1) in paragraph (1)—

(A) by striking "nonprofit private agencies and" and inserting "private agencies and community-based;" and

(B) by inserting "." including replicating successful program models," after "programs and activities;";

(2) in paragraph (2)—

(A) in subparagraph (B), by striking "and" at the end;

(B) in subparagraph (C), by striking the period and inserting ";"; and

(C) by adding at the end the following:

"(D) effective approaches being utilized to link child protective service agencies with health care, mental health care, and developmental services to improve forensic diagnosis and health evaluations, and barriers and shortages to such linkages;";

(c) Demonstration Programs and Projects.—Section 104 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5104(a)) is amended—

(1) in the subsection heading, by inserting "and" before "demonstration projects for the following;"

(2) Promotion of Safe, Family-Friendly Physical Environments for Visitation and Exchange.—The Secretary may award grants under this subsection to entities for projects that provide educational identification, prevention, and treatment services in cooperation with preschool and elementary and secondary schools.

(3) Risk and Safety Assessment Tools.—The Secretary may award grants under this subsection to entities for projects that provide for the development of research-based risk and safety assessment tools relating to child abuse and neglect.

(4) Training.—The Secretary may award grants under this subsection to entities for projects that involve innovative training for mandated child abuse and neglect reporters.

SEC. 113. GRANTS TO STATES AND PUBLIC OR PRIVATE AGENCIES AND ORGANIZATIONS.

(a) Demonstration Programs and Projects.—Section 105(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(a)) is amended—

(1) in the subsection heading, by striking "D O N A T I O N . " and inserting "D E M O N S T R A T I O N . "

(2) in the matter preceding paragraph (1)—

(A) by inserting "States," after "contracts with;"

(B) by striking "nonprofit;" and

(C) by striking "time limited, demonstration;"

(3) in paragraph (1)—

(A) in subparagraph (A), by striking "with," States; or public or private agencies or organizations (or combinations of such agencies or organizations) for time-limited, demonstration projects for the following:

(1) "P R O M O T I O N O F S A F E, F A M I L Y- F R I E N D L Y P H Y S I C A L E N V I R O N M E N T S F O R V I S I T A T I O N A N D E X C H A N G E . " — The Secretary may award grants under this subsection to entities for court-ordered, supervised visitation between children and abusing parents; and

(B) to safely facilitate the exchange of children for visits with noncustodial parents in cases of domestic violence.

(2) Education Identification, Prevention, and Treatment.—The Secretary may award grants under this subsection to entities for projects that provide educational identification, prevention, and treatment services in cooperation with preschool and elementary and secondary schools.

(3) Risk and Safety Assessment Tools.—The Secretary may award grants under this subsection to entities for projects that provide for the development of research-based risk and safety assessment tools relating to child abuse and neglect.

(4) Training.—The Secretary may award grants under this subsection to entities for projects that involve innovative training for mandated child abuse and neglect reporters.

SEC. 114. GRANTS TO THE NATIONAL CENTER FOR CHILD ABUSE AND NEGLECT.

(a) In General.—The Secretary may award grants to the National Center for Children in Need for the following purposes:

(1) Research on the National Incidence of Child Abuse and Neglect.—The Secretary may award grants to the National Center for Children in Need to conduct research on the national incidence of child abuse and neglect.

(2) Education, Identification, Prevention, and Treatment.—The Secretary may award grants to the National Center for Children in Need to conduct educational programs for increasing awareness of the signs and symptoms of child abuse and neglect, and to provide for the development of research-based risk and safety assessment tools relating to child abuse and neglect.

(3) Training.—The Secretary may award grants to the National Center for Children in Need to provide educational training for mandated child abuse and neglect reporters.

(b) In General.—The Secretary may award grants to the National Center for Children in Need for projects that involve innovative training for mandated child abuse and neglect reporters.
abuse prevention and treatment agencies, men- 
tal health agencies, and other public and pri-
vaté welfare agencies to promote child safety, 
permanence, and family stability; 
”(i) professionals and paraprofessional per-
sonnel concerned with the welfare of disabled 
infants, including supporting and develop-
ing risk and safety assessment tools and 
those linkages that are designed to help assure that 
a child protection system and the juvenile justice system for 
develop improved services, including methods for continuity of treatment plan and 
services as children transition between systems; or 
”(3) supporting and enhancing collaboration among 
public health agencies, the child protec-
tion system, and private community-based 
programs to provide child abuse and neglect 
prevention and treatment services; 
”(2) TRAINEE PROCEDURES.—The Secretary may 
award grants under this subsection to public 
and private agencies that demonstrate innova-
tion in responding to reports of child abuse and 
neglect, including programs of collaborative partnerships between the State child protective 
service agency, community social service agen-
cies and family support programs, law enforce-
ment agencies, mental disability agencies, 
service workers in research-based methods for 
recognizing situations of substance abuse, do-

cumentation of cases of child maltreatment, and 
the supervisors of 
”(B) KINSHIP 
(C) services necessary to facilitate adoptive 

(a) D EVELOPMENT AND OPERATION GRANTS.— 

(iii) triage procedures for the appropriate re-

(iii) professionals and paraprofessional per-
sonnel concerned with the welfare of disabled 
infants, including— 

(i) physical, mental, and emotional conditions, includ-
ing mental health agencies, and other public and pri-
vaté welfare agencies to promote child safety, 

(iii) triage procedures for the appropriate re-

(iii) professionals and paraprofessional per-
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(iii) professionals and paraprofessional per-
sonnel concerned with the welfare of disabled 
infants, including— 

(i) physical, mental, and emotional conditions, includ-
in...
or local government entity, or any agent of such entity, that has a need for such information in order to carry out its responsibilities under law to protect children from abuse and neglect;'';

(ii) (A) by striking ''public'' and inserting ''State and local''; and

(B) by inserting before the period the following:

''State and local'' procedures, and practices''; and

(iii) by striking ''at or after 2 years after the date of the enactment of this section''; and

(iv) by striking ''and'' at the end; and

(v) in subsection (b), by striking ''citizen'' and inserting ''Civilian review''; and

(vi) in subsection (c), by striking ''by'' and inserting ''from''; and

(vii) by striking paragraph (9); and

(viii) by striking paragraph (10); and

(ix) by striking paragraph (11); and

(x) by striking paragraph (12); and

(xi) by striking paragraph (13); and

(xii) by striking paragraph (14); and

(xiii)(A) by inserting ''With regard to clauses (vi) and (vii) of paragraph (2)(A)'' and

(B) by striking ''to be effective not later than'' and inserting ''and with law''; and

(xiv) by striking paragraph (15); and

(xv) in paragraph (16), by striking ''a Statewide network of community-based and prevention-focused programs and activities designed to prevent child abuse and neglect'' and inserting ''a Statewide network of community-based and prevention-focused programs and activities designed to prevent child abuse and neglect;''

(xvi) in paragraph (17), by striking ''a Statewide network of community-based and prevention-focused programs and activities designed to prevent child abuse and neglect'' and inserting ''community-based'' and prevention-focused programs and activities designed to prevent child abuse and neglect;''

(xvii) by striking paragraph (18); and

(xviii) by striking paragraph (19); and

(xix) by striking paragraph (20); and

(xx) by striking paragraph (21); and

(2) LIMITATION.—Section 106(b)(3) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(b)(3)) is amended by striking ''With regard to clauses (v) and (vi) of paragraph (2)(A)'' and inserting ''With regard to clauses (v) and (vi) of paragraph (2)(A)''

(c) CIVILIAN REVIEW PANELS.—Section 106(c) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106c(a)(1)) is amended—

(1) in paragraph (2), by striking ''and'' after the period and inserting ''and'' before the period and the following:

''and recommendations to improve the child protective services system at the State and local levels. Not later than 6 months after the date on which a report is submitted by the panel under subparagraph (A) the State and local child protective services system that submitted such report shall submit a written response to the State and local child protective systems that describes whether or how the State will incorporate the recommendations contained in such panel''; and

(2) in paragraph (3), by striking the period at the end and inserting the period''.

(d) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to Congress a report that describes the extent to which States are implementing the policies and procedures required under section 106(b)(3)''.

(e) AUTHORITY.—Section 201(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116(b)) is amended—

(1) in paragraph (1), by inserting ''who has received training'' before the period''.

(f) AUTHORITY.—Section 201(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116(b)) is amended—

(1) by insertion before the period''.

(g) AUTHORITY.—Section 201(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116(b)) is amended—

(1) by striking ''a Statewide network of community-based and prevention-focused programs and activities designed to prevent child abuse and neglect'' and inserting ''community-based and prevention-focused programs and activities designed to prevent child abuse and neglect''; and

(h) AUTHORITY.—Section 201(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116(b)) is amended—

(1) by striking ''Statewide network of community-based and prevention-focused programs and activities designed to prevent child abuse and neglect'' and inserting ''community-based and prevention-focused programs and activities designed to prevent child abuse and neglect''; and

(i) by striking paragraph (2); and

(j) by striking paragraph (3); and

(k) by striking paragraph (4); and

(l) by striking paragraph (5); and

(m) by striking paragraph (6); and

(n) by striking paragraph (7); and

(o) by striking paragraph (8); and

(p) by striking paragraph (9); and

(q) by striking paragraph (10); and

(r) by striking paragraph (11); and

(s) by striking paragraph (12); and

(t) by striking paragraph (13); and

(u) by striking paragraph (14); and

(v) by striking paragraph (15); and

(w) by striking paragraph (16); and

(x) by striking paragraph (17); and

(y) by striking paragraph (18); and

(z) by striking paragraph (19); and

(aa) by striking paragraph (20); and

(bb) by striking paragraph (21); and

(cc) by striking paragraph (22); and

(dd) by striking paragraph (23); and

(2) in paragraph (2), by striking ''and'' after the semicolon and inserting ''and'' before the period and the following:

''and recommendations to improve the child protective services system at the State and local levels. Not later than 6 months after the date on which a report is submitted by the panel under subparagraph (A) the State and local child protective systems that submitted such report shall submit a written response to the State and local child protective systems that describes whether or how the State will incorporate the recommendations contained in such panel''; and

(ee) in paragraph (3), by striking the period at the end and inserting the period''.

(f) STUDY AND REPORT RELATING TO CITIZEN REVIEW PANELS.—

(1) STUDY.—The Secretary shall conduct a study by random sample of the effectiveness of the civilian review panels established under section 106(c).

(2) REPORT.—Not later than 3 years after the date of enactment of the Keeping Children and Families Safe Act of 2003, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report that contains the results of the study conducted under paragraph (1).''

Subtitle B—Community-Based Grants for the Prevention of Child Abuse

SEC. 118. REPORTS.

SEC. 119. ELIGIBILITY.

SEC. 120. ELIGIBILITY.

SEC. 121. PURPOSE AND AUTHORITY.

SEC. 122. ELIGIBILITY.

SEC. 123. ELIGIBILITY.

SEC. 124. ELIGIBILITY.

SEC. 125. ELIGIBILITY.

SEC. 126. ELIGIBILITY.
(B) in subparagraph (B), by inserting "that exists to strengthen and support families to prevent child abuse and neglect" after "written authority of the State"; and
(2) by inserting—
(A) in subparagraph (A), by striking "a network of community-based family resource and support programs" and inserting "community-based and prevention-focused programs and activities designed to prevent child abuse and neglect"; and
(B) in subparagraph (B) after "network";
(i) by inserting ", and prevention-focused programs and activities designed to prevent child abuse and neglect (through networks where appropriate)"; and
(ii) in paragraph (7), by striking "+ and prevention-focused, family resource and support programs" and inserting "and preventing-focused programs and activities designed to prevent child abuse and neglect (through networks where appropriate)"; and
(3) in paragraph (3)—
(A) in subparagraph (A), by striking "Statewide network of community-based, prevention-focused, family resource and support programs" and inserting "community-based and prevention-focused programs and activities designed to prevent child abuse and neglect (through networks where appropriate)";
(B) in subparagraph (B) after "network";
(i) by inserting "that exist to strengthen and support families to prevent child abuse and neglect"; and
(ii) in paragraph (7), by striking "+ and prevention-focused, family resource and support programs" and inserting "and prevention-focused programs and activities designed to prevent child abuse and neglect (through networks where appropriate)"; and
(C) in subparagraph (C), by striking "to the network"; and
(3) in paragraph (4), by striking "(through networks where appropriate)"; and
(4) in paragraph (5), by striking "as the amount leveraged by" and inserting "as the amount of private, State or other Federal funds leveraged and directed through the" and in-...
SEC. 203. INFORMATION AND SERVICES.

U.S.C. 5113) is amended—

(1) by striking the section heading and inserting—

"SEC. 203. INFORMATION AND SERVICES."

(2) by striking paragraphs (1) through (4) and inserting the following:

"(1) there are 131,000 children waiting for adoption;"; and

(D) by redesignating paragraphs (5), (7), (8), and (9) as paragraphs (4), (5), (6), and (7) respectively; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by inserting "including geographic barriers," after "barriers;"; and

(B) in paragraph (2), by striking "a national" and inserting an Internet-based national".

SEC. 202. INFORMATION AND SERVICES.

Section 202 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5114) is amended—

(1) by striking the section heading and inserting—

"SEC. 202. INFORMATION AND SERVICES."

(2) by striking "SEC. 202. (a) The Secretary" and inserting—

"(a) IN GENERAL.—The Secretary;"

(3) in subsection (b)—

(A) by inserting "REQUIRED ACTIVITIES. —" after "(b);";

(B) in paragraph (1), by striking "nonprofit" each place that such appears; and

(C) by striking "(c) The Secretary" and inserting the following:

"(c) TECHNICAL AND OTHER ASSISTANCE.—The Secretary;"

(D) in paragraph (2)(B)—

(i) by realigning the margins of clauses (i) and (ii) accordingly; and

(ii) by striking "(3)(A) Payments" and inserting the following:

"(3) PAYMENTS.—

(A) IN GENERAL.—Each State;"

(4) in paragraph (4), by striking "nonprofit";

(E) in paragraph (6), by striking "study the nature, scope, and effects of" and insert "support;"

(F) in paragraph (7), by striking "nonprofit";

(G) in paragraph (9)—

(i) by striking "nonprofit"; and

(ii) by striking "and" at the end;

(H) in paragraph (10)—

(i) by striking "nonprofit"; each place that such appears; and

(ii) by striking the period at the end and inserting an exclamation point; and

(j) by adding at the end the following:

"(1) provide (directly or by grant to or contract with States, local government entities, or public or private licensed child welfare or adoption agencies) for the implementation of programs that are intended to increase the number of older youth available for adoption; local governmental entities, or public or private licensed child welfare or adoption agencies) for the implementation of programs that are intended to increase the number of older youth available for adoption;"

(2) by striking "(a) Family support services'' through the last sentence and inserting—

"(a) Family support services'' through the last sentence and inserting—

"(A) education, or media campaigns to inform the public of the needs and numbers of older youth available for adoption;"

"(B) training of personnel in the special needs of older youth and the successful strategies of child-focused, child-specific recruitment efforts; and

(C) recruitment of prospective families for such children.;"

(3) by inserting the following:

"(4) in subsection (c)—

(A) by striking "(1) The Secretary" and inserting the following:

"(A) by striking "(1) The Secretary" and inserting the following:

"(B) by striking "(2) Services" and inserting the following:

"(2) SERVICES.—Services;";

(C) in paragraph (2)—

(i) by realigning the margins of subparagraphs (A) through (G) accordingly; and

(ii) in subparagraph (F), by striking "and" at the end;

(iii) in subparagraph (G), by striking the period at the end and inserting a semicolon; and

(iv) by adding at the end the following:

"(h) day treatment; and

(ii) respite care;";

(D) by striking "nonprofit"; each place that such appears;

(S) in subsection (d)—

(A) by striking "(2)(A) Each State" and inserting the following:

"(2) APPLICATIONS; TECHNICAL AND OTHER ASSISTANCE.—

(A) APPLICATIONS.—Each State;"

(B) by striking "(B) Each State" and inserting the following:

"(B) TECHNICAL AND OTHER ASSISTANCE.—The Secretary;"

(C) by striking paragraph (2)(B)—

(i) by realigning the margins of clauses (i) and (ii) accordingly; and

(ii) by striking "(3)(A) Payments" and inserting the following:

"(3) PAYMENTS.—

(A) IN GENERAL.—Payments;";

(F) by striking "(B) Any payment" and inserting the following:

"(B) REVERSION OF UNUSED FUNDS.—Any payment;";

(G) by adding at the end the following:

"(6) by adding at the end the following:

"(e) ELIMINATION OF BARRIERS TO ADOPTIONS ACROSS JURISDICTIONAL BOUNDARIES.—

(1) IN GENERAL.—The Secretary shall award grants to, or enter into contracts with, States, local government entities, or public or private licensed child welfare or adoption agencies, to carry out initiatives to improve efforts to eliminate barriers to placing children for adoption across jurisdictional boundaries;

(2) how State policies in defining special needs, including those who are infected with the human immunodeficiency virus commonly known as ‘HIV’, those who have acquired immune deficiency syndrome commonly known as ‘AIDS’, and those who have been exposed to dangerous drugs;"

(4) by adding at the end the following:

"(3) recommendations on best practice models for interstate placements are being financed across State lines;"

(3) by inserting "to determine the nature" and all that follows through "entity;" and

(4) by striking "which are not licensed"; and

(5) by adding at the end the following:

"(3) by striking "who abuse drugs", and

(D) by striking "care for such infants" and inserting "care for their infants";

(3) by adding paragraph (5) to read as follows:

"(5) appropriate training is needed for personnel working with infants and young children with life-threatening conditions and other special needs, including those who are infected with the human immunodeficiency virus commonly known as ‘HIV’, those who have acquired immune deficiency syndrome commonly known as ‘AIDS’, and those who have been exposed to dangerous drugs;"

(4) by striking paragraphs (6) and (7); and

(5) in paragraph (8), by inserting "by parents abusing drugs", and

(6) by striking "comprehensive services" and all that follows through the semicolon at the end and inserting "comprehensive services provided for such infants and young children and their families and services to prevent the abandonment of such infants and
young children, including foster care services, case management services, family support services, respite and crisis intervention services, counseling services, and group residential home services.

(7) by striking paragraph (11);

(8) by redesigning paragraphs (2), (3), (4), (5), (8), (9), and (10) as paragraphs (1) through (7), "Every 2 years"; and

(9) by adding at the end following:

"(8) Private, Federal, State, and local resources should be coordinated to establish and maintain such services and to ensure the optimal use of all such resources.".

SEC. 302. ESTABLISHMENT OF LOCAL PROGRAMS.

Section 101 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 101. ESTABLISHMENT OF LOCAL PROGRAMS.";

and

(2) by striking subsection (b) and inserting the following:

"(b) PRIORITY IN PROVISION OF SERVICES.—The Secretary may not make a grant under section (a) unless the applicant for the grant agrees to give priority to abandoned infants and young children who—

(1) are infected with, or have been perinatally exposed to, the human immunodeficiency virus, or have a life-threatening illness of a medical nature; or

(2) have been perinatally exposed to a dangerous drug.",

SEC. 303. EVALUATIONS, STUDY, AND REPORTS BY SECRETARY.

Section 102 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended to read as follows:

"SEC. 102. EVALUATIONS, STUDY, AND REPORTS BY SECRETARY.

(a) Evaluations of Local Programs.—The Secretary shall, directly or through contracts with public and nonprofit private entities, provide for evaluations of projects carried out under section 101 for the dissemination of information developed as a result of such projects.

(b) Study and Report on Number of Abandoned Infants and Young Children.—

(1) IN GENERAL.—The Secretary shall conduct a study for the purpose of determining—

(A) an estimate of the annual number of infants and young children relinquished, abandoned, or found deceased in the United States and the number of such infants and young children who are infants and young children described in section 421A(b);

(B) an estimate of the annual number of infants and young children who are victims of homicide;

(C) characteristics and demographics of parents who have abandoned an infant within 1 year of the infant's birth; and

(D) an estimate of the annual costs incurred by the Federal Government and by State and local governments in providing hospital and care for the infants and young children.

(2) DEADLINE.—Not later than 36 months after the date of the enactment of the Keegman Children and Families Safe Act of 2003, the Secretary shall complete the study required under paragraph (1) and submit to the Congress a report describing the findings made as a result of the study.

(c) Evaluation.—The Secretary shall evaluate and report on effective methods of intervening before the abandonment of an infant or young child to prevent such abandonment, and effective methods for responding to the needs of abandoned infants and young children.

SEC. 304. AUTHORIZATION OF APPROPRIATIONS.

Section 104 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—

(1) AUTHORIZATION.—For the purpose of carrying out this section there are authorized to be appropriated $45,000,000 for fiscal year 2004 and such sums as may be necessary for fiscal years 2005 through 2008.

(2) LIMITATION.—Not more than 5 percent of the amounts appropriated under paragraph (1) for any fiscal year may be obligated for carrying out section 122A.

(b) BY SECRETARY.—

(1) in paragraph (1), by inserting "A grant" and inserting "Secretary";

(2) in paragraph (2), by striking "A grant" and inserting "Secretary a report that evaluates the effectiveness of the use of amounts received under the grant for the period described in paragraph (1) if, prior to such extension—

(A) the entity prepares and submits to the Secretary a report that evaluates the effectiveness of the use of amounts received under the grant for the period described in paragraph (1) and contains any other information as the Secretary may prescribe; and

(B) the report and other appropriate criteria indicate that the entity is successfully operating the coalition in accordance with paragraph (a).

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 316(f) of such Act (42 U.S.C. 10416(f)) is amended in paragraph (1) by striking "fiscal years 2001 through 2005" and inserting 'fiscal years 2004 through 2008'.'
(h) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $6,000,000 for each of the fiscal years 2004 through 2008.

(b) Return of Lands.—Section 318 of such Act (42 U.S.C. 10418) is amended by striking subsection (i).

SEC. 413. TRANSITIONAL HOUSING ASSISTANCE.

The Family Violence Prevention and Services Act (42 U.S.C. 10410 et seq.) is amended as follows:

(1) In section 302(1) by striking ‘‘demonstrate the effectiveness of assisting’’ and inserting ‘‘assist’’;

(2) in section 303(a)—
(A) in paragraph (2)—
(i) in subparagraph (C), by striking ‘‘State domestic violence coalitions, knowledgable individuals, and interested organizations’’ and inserting ‘‘State domestic violence coalitions, knowledgable individuals, and interested organizations’’;
(ii) in subparagraph (E), by adding ‘‘and’’ at the end; and
(B) by aligning the margins of paragraph (4) with those of paragraph (3).

(3) in section 305(b)(2)(A) by striking ‘‘provide for, research, and into’’ and inserting ‘‘provide for research into’’.

(4) in section 313(a)—
(A) in paragraph (2)(K), by striking ‘‘other criminal justice professionals,’’ and inserting ‘‘other criminal justice professionals,’’ and
(B) in paragraph (3)—
(i) in the matter preceding subparagraph (A), by striking ‘‘family law judges,’’ and inserting ‘‘family law judges’’;
(ii) in subparagraph (D), by inserting ‘‘, criminal court judges,’’ after ‘‘family law judges’’; and
(iii) in subparagraph (H), by striking ‘‘supervised visitations that do not endanger victims and their children’’ and inserting ‘‘supervised visitation or denial of visitation to protect against danger to victims or their children’’.

Mr. Frist. Mr. President, I ask unanimous consent that the Senate disagree with the House amendment and request a conference, and that the Chair be authorized to appoint conferees, with the ratio of 3 to 2.

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

The Presiding Officer (Mr. Talent) appointed Mr. Gregg, Mr. Alexander, Mr. DeWine, Mr. Kennedy, and Mr. Dodd conferees on the part of the Senate.

THE CALENDAR

Mr. Frist. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration, en bloc, of the following calendar items: No. 26, S. 273, No. 27, S. 302, No. 28, S. 426.

The PRESIDING OFFICER. The clerk will state the bills by title.

A bill (S. 273) to provide for the expeditious completion of the acquisition of lands owned by the State of Wyoming within the boundaries of Grand Teton National Park, and for other purposes.

A bill (S. 302) to revise the boundaries of the Golden Gate National Recreation Area in the State of California, to restore and extend the term of the advisory commission for the recreation area, and for other purposes.

A bill (S. 426) to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Ridge Addition and Pierre Canal features of the initial stage of the Ohave Unit, James Division, South Dakota, to the Commission of Schools and Public Lands of the State of South Dakota for the purpose of mitigating lost wildlife habitat, on the condition that the current preferred leaseholders will have an option to purchase the parcels from the Commission, and for other purposes.

There being no objection, the Senate proceeded to consider the bills, en bloc.

Mr. Frist. Mr. President, I ask unanimous consent that the technical amendment to Calendar No. 27, S. 203 at the desk be considered and agreed to, the bills, as amended, if amended, be read the third time, and passed, as follows:

S. 273

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 ‘‘Golden Gate National Recreation Area Boundary Adjustment Act’’.

SEC. 2. DEFINITIONS.

As used in this Act:

(1) The term ‘‘Federal lands’’ means public lands as defined in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)).

(2) The term ‘‘Governor’’ means the Governor of the State of Wyoming.

(3) The term ‘‘Secretary’’ means the Secretary of the Interior.

(4) The term ‘‘State lands’’ means lands and interest in lands owned by the State of Wyoming within the boundaries of Grand Teton National Park.

(5) The term ‘‘map’’ means any map or graphic representation of the boundaries of the State lands described in paragraph (1), the recreation area, and for other purposes.

There being no objection, the Senate proceeded to consider the bill (S. 302) to revise the boundaries of the Golden Gate National Recreation Area in the State of California, to restore and extend the term of the advisory commission for the recreation area, and for other purposes.

The amendment (No. 523) was agreed to, as follows:

(Purpose: To correct a map reference in the bill)

On page 3, strike lines 19 through 25 and insert ‘‘numbered NPS–80,079D and dated February 2003.’’

The bill (S. 302) was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 302

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 ‘‘Golden Gate National Recreation Area Boundary Adjustment Act’’.

SEC. 2. GOLDEN GATE NATIONAL RECREATION AREA, CALIFORNIA.

(a) BOUNDARY ADJUSTMENT.—Section 2(a) of Public Law 92–589 (16 U.S.C. 460bb–1(a)) is amended—

(1) by striking ‘‘The recreation area shall comprise’’ and inserting the following:

‘‘(1) INITIAL LANDS.—The recreation area shall comprise;’’ and

(2) by striking ‘‘The following additional lands are also’’ and all that follows through the period at the end of the subsection and inserting the following new paragraphs:

‘‘(2) ADDITIONAL LANDS.—In addition to the lands described in paragraph (1), the recreation area shall include the following:


(B) Lands and waters in San Mateo County generally depicted on the map entitled ‘‘Sweeney Ridge Addition, Golden Gate National Recreation Area’’, numbered NPS–80,000–A, and dated May 1980.


(D) Lands generally depicted on the map entitled ‘‘Rancho Corral de Tierra Allotments to the Golden Gate National Recreation Area’’, numbered NPS–80,079D and dated February 2003.''

(3) In section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712(g)) is amended by striking ‘‘cease to exist thirty years after the enactment of this Act’’ and inserting ‘‘exist thirty years after the enactment of this Act and thirty years after the enactment of the Rancho Corral de Tierra Golden Gate National Recreation Area Boundary Adjustment Act’’.

The bill (S. 273) to provide for the expeditious completion of the acquisition of lands owned by the State of Wyoming within the boundaries of Grand Teton National Park, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 273

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 ‘‘Grand Teton National Park Land Exchange Act’’.

SEC. 2. DEFINITIONS.

As used in this Act:

(1) The term ‘‘Federal lands’’ means public lands as defined in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)).

(2) The term ‘‘Governor’’ means the Governor of the State of Wyoming.

(3) The term ‘‘Secretary’’ means the Secretary of the Interior.

(4) The term ‘‘State lands’’ means lands and interest in lands owned by the State of Wyoming within the boundaries of Grand Teton National Park.

(5) The term ‘‘map’’ means any map or graphic representation of the boundaries of the State lands described in section 2(4), by any one or a combination of the following—

(a) donation;

(b) purchase with donated or appropriated funds; or

(c) exchange of Federal lands in the State of Wyoming that are identified for disposal under approved land use plans in effect on the date of enactment of this Act under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) that are of equal value to the State lands acquired in this Act.

(6) In the event that the Secretary or the Governor determines that the Federal lands eligible for exchange under subsection (a), (b), or (c) are insufficient or not available for the acquisition of all the State lands identified in section 2(4), the Secretary shall identify...
other Federal lands or interests therein in the State of Wyoming for possible exchange and shall identify such lands or interests together with their estimated value in a report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the House of Representatives. Such lands or interests shall be available for exchange unless authorized by an Act of Congress enacted after the date of submission of the report.

SEC. 4. VALUATION OF STATE AND FEDERAL INTERESTS.

(a) AGREEMENT ON APPRAISER.—If the Secretary and the Governor are unable to agree on the value of any Federal lands eligible for exchange under section (3)(a) or (3)(b), then the Secretary and the Governor may select a qualified appraiser to conduct an appraisal of those lands. The purchase or exchange under section (3)(a) shall be conducted based on the values determined by the appraisal.

(b) NO AGREEMENT ON APPRAISER.—If the Secretary and the Governor are unable to agree on the selection of a qualified appraiser under subsection (a), then the Secretary and the Governor shall each designate a qualified appraiser. The two designees shall select a qualified appraiser to conduct the appraisal with the advice and assistance of the two designated appraisers. The appraiser selected under section (3)(a) shall be conducted based on the values determined by the appraisal.

(c) APPRAISAL.—The Secretary and the State of Wyoming shall each pay one-half of the appraisal costs under subsections (a) and (b).

SEC. 5. ADMINISTRATION OF STATE LANDS ACQUIRED BY THE UNITED STATES.

The State lands conveyed to the United States under section (3)(a) shall become part of Grand Teton National Park. Such lands shall be managed by the Secretary under the Act of August 25, 1939 (commonly known as the “National Park Service Organic Act”), and other laws, rules, and regulations applicable to Grand Teton National Park.

SEC. 6. AUTHORIZATION FOR APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary for the purchase of the parcels. The bill (S. 426) to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal features of the initial stage of the Oahe Unit, James Division, authorized by the Act of August 3, 1968 (82 Stat. 624), as part of the Pick-Sloan Missouri River Basin program.

2. COMMISSION.—The term “Commission” means the Commission of Schools and Public Lands of the State.

3. NONPREFERENTIAL LEASE PARCEL.—The term “nonpreferential lease parcel” means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) was considered to be a nonpreferential lease parcel by the Secretary as of January 1, 2001, and is reflected as such on the roster of leases of the Bureau of Reclamation for 2001.

4. PIERRE CANAL FEATURE.—The term “Pierre Canal feature” means the Pierre Canal feature of the Oahe Unit, James Division, authorized by the Act of August 3, 1968 (82 Stat. 624), as part of the Pick-Sloan Missouri River Basin program.

5. PREFERRED LEASEHOLDER.—The term “preferred leaseholder” means a person or descendant of a person that held a lease on a preferential lease parcel as of January 1, 2001, and is reflected as such in the roster of leases of the Bureau of Reclamation for 2001.

6. PREFERENTIAL LEASE PARCEL.—The term “preferential lease parcel” means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) was considered to be a preferential lease parcel by the Secretary as of January 1, 2001, and is reflected as such on the roster of leases of the Bureau of Reclamation for 2001.

7. SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting as the agent for the Secretary in administering the purchase option extended to preferential leaseholders under subsection (d).

8. STATE.—The term “State” means the State of South Dakota, including a successor in interest of the State.

9. UNLEASED PARCEL.—The term “unleased parcel” means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) is not under lease as of the date of enactment of this Act.

10. DEAUTHORIZATION.—The Blunt Reservoir feature is deauthorized.

11. ACCEPTANCE OF LAND AND OBLIGATIONS.—

(A) IN GENERAL.—As a condition of each conveyance under subsections (d)(5) and (e), respectively, the State shall agree to accept—

(a) in “as is” condition, the portions of the Blunt Reservoir feature and the Pierre Canal Feature that pass into State ownership;

(b) any liability accruing after the date of conveyance as a result of the ownership, operation, or maintenance of the features referred to in clause (a), including liability associated with certain outstanding obligations associated with expired easements, or any other right granted in, on, over, or across either feature; and

(c) the responsibility that the Commission will act as the agent for the Secretary in administering the purchase option extended to preferential leaseholders under subsection (d).

12. RESPONSIBILITIES OF THE STATE.—An outstanding obligation described in paragraph (3)(B) shall not inure to the benefit of, and be binding upon, the State.

13. OIL, GAS, MINERAL AND OTHER OUTSTANDING RIGHTS.—A conveyance to the State in connection with the wildlife habitat that was lost as a result of the development of the Pick-Sloan project.

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 “Blunt Reservoir and Pierre Canal Land Conveyance Act of 2003”.

SEC. 2. BLUNT RESERVOIR AND PIERRE CANAL.

(a) DEFINITIONS.—In this section:

(1) RESERVOIR FEATURE.—The term “Blunt Reservoir feature” means the Blunt Reservoir feature of the Oahe Unit, James Division, authorized by the Act of August 3, 1968, as part of the Pick-Sloan Missouri River Basin program.

(2) COMMISSION.—The term “Commission” means the Commission of Schools and Public Lands of the State.

(3) NONPREFERENTIAL LEASE PARCEL.—The term “nonpreferential lease parcel” means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) was considered to be a nonpreferential lease parcel by the Secretary as of January 1, 2001, and is reflected as such on the roster of leases of the Bureau of Reclamation for 2001.

(4) PIERRE CANAL FEATURE.—The term “Pierre Canal feature” means the Pierre Canal feature of the Oahe Unit, James Division, authorized by the Act of August 3, 1968, as part of the Pick-Sloan Missouri River Basin program.

(5) PREFERRED LEASEHOLDER.—The term “preferred leaseholder” means a person or descendant of a person that held a lease on a preferential lease parcel as of January 1, 2001, and is reflected as such in the roster of leases of the Bureau of Reclamation for 2001.

(6) PREFERENTIAL LEASE PARCEL.—The term “preferential lease parcel” means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) was considered to be a preferential lease parcel by the Secretary as of January 1, 2001, and is reflected as such on the roster of leases of the Bureau of Reclamation for 2001.

(7) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting as the agent for the Secretary in administering the purchase option extended to preferential leaseholders under subsection (d).

(8) STATE.—The term “State” means the State of South Dakota, including a successor in interest of the State.

(9) UNLEASED PARCEL.—The term “unleased parcel” means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) is not under lease as of the date of enactment of this Act.

(10) DEAUTHORIZATION.—The Blunt Reservoir feature is deauthorized.

(11) ACCEPTANCE OF LAND AND OBLIGATIONS.—

(A) IN GENERAL.—As a condition of each conveyance under subsections (d)(5) and (e), respectively, the State shall agree to accept—

(a) in “as is” condition, the portions of the Blunt Reservoir feature and the Pierre Canal Feature that pass into State ownership;

(b) any liability accruing after the date of conveyance as a result of the ownership, operation, or maintenance of the features referred to in clause (a), including liability associated with certain outstanding obligations associated with expired easements, or any other right granted in, on, over, or across either feature; and

(c) the responsibility that the Commission will act as the agent for the Secretary in administering the purchase option extended to preferential leaseholders under subsection (d).

(B) RESPONSIBILITIES OF THE STATE.—An outstanding obligation described in paragraph (3)(B) shall not inure to the benefit of, and be binding upon, the State.

(C) OIL, GAS, MINERAL AND OTHER OUTSTANDING RIGHTS.—A conveyance to the State in connection with the wildlife habitat that was lost as a result of the development of the Pick-Sloan project.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:
CONSIDERATION OF S. RES. 104

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 104, submitted earlier today by Senator Dayton and Senator Coleman.

The PRESIDING OFFICER. The resolution, with its preamble, reads as follows:

S. Res. 104

Whereas on Sunday, March 23, 2003, the two-time defending NCAA National Collegiate Women's Ice Hockey Champions, the University of Minnesota Duluth Bulldogs, won the National Championship for the third straight year;

Whereas Minnesota Duluth defeated Harvard University in double overtime of the championship game by the score of 4-3, having defeated Dartmouth College 5-2 in the semifinal;

Whereas sophomore Nora Tallus scored the game-winning goal in the second overtime, assisted by Erik Holst and Jannie Eustace;

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations on today's Executive Calendar:

Nominations Nos. 98, 99, 100, 101, and 102. I further ask unanimous consent that the nominations be confirmed en bloc; that the motions to reconsider be laid upon the table; that the President be immediately notified of the Senate's action; and that the Senate then return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

THE Nominations

Joseph Robert Goeke, of Illinois, to be a Judge of the United States Tax Court for a term of fifteen years after he takes office.
Robert Allen Wheery, Jr., of Colorado, to be a Judge of the United States Tax Court for a term of fifteen years.

Harry A. Haines, of Montana, to be a Judge of the United States Tax Court for a term of fifteen years.

Diane L. Kroupa, of Minnesota, to be a Judge of the United States Tax Court for a term of fifteen years.

Mark Van Dyke Holmes, of New York, to be a Judge of the United States Tax Court for a term of fifteen years.

DEPARTMENT OF THE TREASURY

Raymond T. Wagner, Jr., of Missouri, to be a Member of the Internal Revenue Service Oversight Board for the remainder of the term expiring September 14, 2004.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR MONDAY, APRIL 7, 2003

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 3 p.m., Monday, April 7. I further ask unanimous consent that the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period for morning business until 5 p.m., with the time until 4 p.m. to be equally divided between Senator Hutchison and the minority leader or their designees, and the remaining time until 5 p.m. be equally divided between the two leaders or their designees.

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

PROGRAM

Mr. FRIST. Mr. President, for the information of all Senators, the Senate will return for business on Monday. On Monday there will be a period for morning business to allow Members to continue to make statements in support of our troops. At 5 p.m. under a previous order, the Senate will proceed to a vote on the confirmation of a District Court judge.

Next week, as I announced earlier this evening, the Senate will consider nominations, including judicial nominees, the CARE Act, the FISA bill, and, hopefully, under a unanimous consent agreement, the POW resolution, and conference reports as they are available.

Next week is the last week prior to the Easter recess. I expect a busy week as we attempt to finish the mentioned items and any other legislative or executive items that can be cleared.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 3, 2003:

THE JUDICIARY

Joseph Robert Goeke, of Illinois, to be a Judge of the United States Tax Court for a term of fifteen years after he takes office.

Robert Allen Wheery, Jr., of Colorado, to be a Judge of the United States Tax Court for a term of fifteen years.

Harry A. Haines, of Montana, to be a Judge of the United States Tax Court for a term of fifteen years.

Diane L. Kroupa, of Minnesota, to be a Judge of the United States Tax Court for a term of fifteen years.

Mark Van Dyke Holmes, of New York, to be a Judge of the United States Tax Court for a term of fifteen years.

DEPARTMENT OF THE TREASURY

Raymond T. Wagner, Jr., of Missouri, to be a Member of the Internal Revenue Service Oversight Board for the remainder of the term expiring September 14, 2004.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.