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Senate

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

PRAYER

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

Let us pray.

O God, who is our refuge and strength, our shelter in the time of storms, we begin this day by looking to You for guidance and discernment. Thank You for daily victories over our worst selves and for fellowship with You.

Bless our Senators. Give them strength for their difficult tasks, victory over temptation, and fulfillment in their work.

Help each of us to stand guard against those thoughts and passions that lead us from You. May our consciousness of Your presence become more real with each hour of every day.

We pray this in Your strong name. Amen.

PLEDGE OF ALLEGIANCE

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

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning the Senate will resume consideration of the nomination of Michael Leavitt to be Administrator of the Environmental Protection Agency. There will be 1 hour of debate prior to the nomination. I am pleased this distinguished nominee for the President's Cabinet will receive an up-or-down vote and anticipate his confirmation by an overwhelming majority this morning.

Following the disposition of the Leavitt nomination, the Senate will resume debate on the foreign operations appropriations bill. There are several amendments pending to the bill. We hope to begin scheduling votes on those amendments. Senator MCCONNELL will be here following the nomination vote. We anticipate completing action on the bill during today's session. Therefore, Senators should expect rollcall votes throughout the day and possibly votes into the evening, if necessary.

Each day I come to the floor I mention the schedule and the remaining business before the Senate. Again, I would like to reiterate that the days of this session are waning, but we have a full legislative agenda and executive matters to finish. We have the appropriations bills and the conference reports, Healthy Forests—and the tragic events in California underscore the need for this crucial legislation. Regarding the Fair Credit Reporting Act, we are in discussions, and I hope an agreement can be reached on its consideration. If not, it will be necessary to take the procedural steps to ensure that the Senate does act on this very important piece of bipartisan legislation.

We have the Internet tax moratorium. Discussions are underway on an agreement to allow us to act before the expiration of the existing law.

On the climate change legislation, we have a 6-hour agreement. I hope we can possibly use less time than those 6 hours. We are looking for an available time to consider it this week.

We have the judicial nominations as well.

Again, I hope to make efficient use of the Senate's time over the coming days, and I hope and look forward to working with the Democratic leadership so we can consider these bills under time agreements and in a timely fashion.

Everybody is aware of the scheduling challenges we have during this time of year. But with the cooperation of all Members, we will be able to finish our work and adjourn at the earliest possible time. As always, I thank our colleagues and Senators for their cooperation and energy and patience to accomplish this as we go forward.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDENT pro tempore. The assistant Democratic leader.

Mr. REID. Mr. President, while the distinguished majority leader is in the Chamber, the Senator from Kentucky and I had a conversation on the floor here last night—it was public in nature—indicating that it was the majority leader's intention for us to work on November 10 and 11 that is, Monday and Tuesday of the week after next.

I totally support that. If we are going to get out of here, we have to work that week. The leader set November 7 as a time when we should get out. I think that will be nearly impossible. We may. I hope, if we are going to try to adjourn on November 14, that Members will understand we are going to have to do more that Monday and Tuesday than have votes on judges. We are going to have to go into substantive matters and all during Monday have votes. If we are going to come at 5 o'clock and have a relatively unimportant vote, then I don't think we will accomplish much.

If we have, I repeat, any intention, any hope of getting out of here on November 14—which I hope we could do—we are going to have to work Monday and Tuesday. I fully support the majority leader.

As I said last night on the floor, the veterans of the State of Nevada would also understand why, on an important holiday, Veterans Day, we would be

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

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here doing the people's business. A lot of the business we are doing relates directly to the veterans.

So I hope, if we are going to work those 2 days, they are meaningful, hard days.

The PRESIDENT pro tempore. The majority leader.

Mr. FRIST. Mr. President, through the Chair in response, it is our objective to adjourn as soon as we possibly can, completing the business before us. Thus, there is a very good possibility we will be able to finish our work that week.

A lot of people do want to be back at home, and rightfully so, for Veterans Day itself. That Monday before Veterans Day we will have to have a productive day here if our goal is to finish that week.

I do want to keep flexible. Right now, I ask the understanding of my colleagues because it very much depends on what happens over the next several days on the floor of the Senate. That is why we have to keep moving ahead with appropriations and see what happens with the supplemental in conference today, see the progress with the energy and medicare conferences. For right now, we need flexibility, but I think based on the comments the Democratic whip just made, as well as mine, if we have a chance of finishing that week, we can make that a very productive week.

I know we will have a full hour before the vote. I just want to comment very briefly on another issue for 3 or 4 minutes.

THE ECONOMY

Mr. FRIST. Mr. President, it is widely expected that the Federal Reserve will vote later today to keep the short-term interest rates at the historically low level of 1 percent. This is good news for our economy and very good news for American households. Low interest rates are allowing consumers to cut their monthly payments, their debt payments, and to invest their hard-earned money in the American dream, and that is the ownership of a home.

Indeed, sales of previously owned homes have hit their third highest level on record. Yesterday, the National Association of Realtors reported that previously owned home sales rose 3.6 percent to a record annual rate of 6.69 million units in the month of September.

The realtor association's chief economist says the strong home sales are a result of ''the powerful fundamentals that are driving the housing market—household growth, low interest rates, and an improving economy.''

Meanwhile, on Thursday, the Commerce Department will release the data on third-quarter economic growth. Most observers expect the agency will report significant gains. Indeed, if the forecasters are right and the economy does show a 6-percent gain, this would be the fastest upward swing since 1999.

Virtually every region of the country is benefiting from the recovery, as are a host of industries. You read it daily. Sara Lee saw its earnings rise 25 percent. Black and Decker's earnings are up 36 percent. Xerox profits climbed by 18 percent. Also revealing are ''first timer'' corporate profits. For example, Amazon.com reported a profit for the first time in a nonholiday period. Lucent Technologies is posting profits for the first time in 3 years. Corning and AMR, the parent company of American Airlines, both broke a string of 10 quarter losses.

All of this activity is helping to bolster the job market.

The labor market added 57,000 new jobs last month after seven straight months of job cuts.

Wages have gone up, on average, at nearly all income levels. Higher wages combined with lower debt payments and mortgage refinancing options are adding much needed juice to the economic engine.

So I am optimistic about the direction of the economy as it continues on this road to recovery. Even the New York Times credits the Bush tax cut with higher consumer spending.

In the Senate, we will continue to champion policies that work—policies that return tax dollars to the taxpayer yet encourage entrepreneurship and innovation, and that promote even higher levels of jobs and growth.

I ask unanimous consent that 60 minutes remain in order prior to the vote.

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

RESERVATION OF LEADER TIME

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

EXECUTIVE SESSION

NOMINATION OF MICHAEL O. LEAVITT TO BE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

The PRESIDENT pro tempore. Under the previous order, the Senate will go into executive session to resume consideration of Executive Calendar No. 405, which the clerk will report.

The legislative clerk read the nomination of Michael O. Leavitt, of Utah, to be Administrator of the Environmental Protection Agency.

The PRESIDENT pro tempore. Under the previous order, there will now be 60 minutes equally divided between the ranking members, or their designees, and there will be 20 minutes under the control of the Senator from New Jersey.

Who yields time?

The Senator from New Jersey.

Mr. LAUTENBERG. Thank you, Mr. President. I will use most of the 20 minutes I have available, and perhaps all of it. But first, I thank the majority leader and the minority leader for accommodating my desire to speak on the nomination of Utah Gov. Michael Leavitt to be Administrator of the Environmental Protection Agency prior to the vote to confirm him.

I was, unfortunately, not able to be here last night. So I appreciate that I have a chance to make some remarks this morning.

A few weeks ago, I placed a ''hold'' on Governor Leavitt's nomination because of serious concerns many of his constituents have raised about his record of enforcing our national environmental laws.

The President has the right to nominate people of his choosing to serve in his Cabinet. That, however, does not obligate anyone to vote for each and every one of them.

I want to make it perfectly clear that I am not impugning Governor Leavitt's character. He has been a public servant for many years and has been credited with many significant accomplishments.

I will vote against confirming Governor Leavitt because I have not had sufficient time to investigate the serious allegations that have been brought to my attention.

In fairness to Governor Leavitt, I asked the Congressional Research Service (CRS) to review and assess the allegations. In a few more days, CRS staff would have been able to get back to me. Unfortunately, the majority has seen fit to force a vote on this nominee today.

Governor Leavitt has waited 2 months. When former President Clinton nominated Katie McGinty to be chair of the Council on Environmental Quality, Republicans delayed her confirmation for more than a year.

Unfortunately, the majority did not honor the holds placed on this nominee, so the process of vetting him properly has been short-circuited. Consequently, we are being asked to vote to confirm an individual nominated to be the nation's highest-ranking environmental regulator—without the benefit of having some answers to some very important questions.

The current ''tide'' of environmental protection in America is at low ebb under the current administration. I don't have enough time here to enumerate the hundreds of rollbacks and dilutions of our environmental laws that President Bush and his administration have foisted on the American people. Given such a state of affairs, I think it would be wise to determine if the nominee shares the same careless disregard for clean water, clean air, land conservation, and global warming as the President.

I had planned to ask Governor Leavitt many questions based on information provided to me by the southern Utah Wilderness Alliance and other Utah conservation and citizens' groups. They have cast serious doubt on the Governor's commitment to enforcing our laws to protect human health and the environment.

In 1998, Governor Leavitt was quoted as saying:

> The national government should establish standards. Local governments must figure out how best to meet them . . . governments must focus on outcomes, not programs.

I agree with the Governor's sentiment that outcomes are what count. The important questions are: Are our rivers getting cleaner? Is the air healthier? Are toxic sites being decontaminated?

On that score, our environmental laws and programs have a proven track record. Even this White House has grudgingly acknowledged as much.

The Office of Management and Budget issued a report recently which concludes that the health and social benefits of enforcing tough clean air regulations during the past decade have been 5 to 7 times greater in economic terms than the costs of complying with the regulations.

When compared to the 1950s and 1960s, before most of our major environmental laws were enacted, we have made outstanding progress. Rivers like the Cuyahoga no longer catch on fire. Air pollution inversions no longer kill 20 people and sicken 4000 more in one fell swoop, like an incident in Donora, PA, in 1948.

These achievements have resulted from the careful implementation of congressional laws. But those laws can only be effective if they are voluntarily obeyed or enforced by EPA and the States. Regulations won't do any good if they are not enforced.

We can be proud of the progress we have made over the past few decades but there is so much more to be done to protect human health and the environment. We can't stop now, but that is what President Bush is trying to do, and I am concerned that is what Governor Leavitt will try to do, too, if he is confirmed. Despite his commentary about ''balance'' and ''stewardship,'' Governor Leavitt's record portrays a dramatically different approach to the environment. His record reveals a disturbing tendency to place the short-sighted economic interests of regulated industries above protecting the long-term health of the public.

I will highlight just a few of more than a dozen examples which illustrate this pattern. As I mentioned before, much of the information that follows has come from citizens of Utah who visited my Senate office here in Washington to complain about problems they saw with respect to Governor Leavitt's willingness to protect their environment. I might add that I know the State very well. I spend a lot of time in Utah. I love it. I love the terrain. I love the Wasatch Mountains all of that of which Utah residents are so proud.

Governor Leavitt has strongly supported something called the ''Legacy Highway'' project. This highway was set to cut through highly significant wetlands next to the Great Salt Lake that provide the breeding ground for 500 American Bald Eagles.

The Tenth Circuit Court of Appeals ruled last fall that the Environmental Impact Statement the Governor's staff prepared was invalid because it ignored obvious harmful impacts. To top that, the alternative they chose would have violated the Clean Water Act.

In another instance, the Governor made a secret deal to remove 2.6 million acres from possible designation as ''wilderness''.

Utah's Sierra Club issued a statement that said:

> Governor Mike Leavitt's environmental track record, which includes working behind closed doors with Interior Secretary Gale Norton to open up Utah's wildlands to polluting industries, suggests that he will be a good fit for the Bush administration, but a disappointing choice for Americans concerned with environmental protection. . . .

Earlier this year, EPA released a report on the States' record of enforcing the Clean Water Act. Utah received one of the lowest scores for enforcement.

Governor Leavitt's ''hands-off'' approach is a recurring theme. He has argued in favor of downsizing and even dismantling agencies like the Environmental Protection Agency. It is not hard to imagine the demoralizing impact it could have on EPA staff if the next Administrator is on record saying that EPA should be dismantled. This viewpoint reveals the importance Governor Leavitt places on protecting our air, water, and land.

Do we really want to return to the days before the EPA was established, when rivers caught on fire and people literally keeled over from air pollution? I, for one, do not relish the results of confirming a ''rollback'' Governor as the guardian of our Nation's environment under a ''rollback'' administration!

Another widely reported matter of concern has to do with a fish hatchery the Governor and his family have owned. The family was served with 33 indictments for illegal fish transfers that helped to spread a severe fish disease known as ''whirling disease.'' This is a serious matter, but pales in comparison to the actions taken by Mr. Leavitt once he became Governor. According to the Salt Lake Tribune and other Utah papers, after being elected Governor, Mr. Leavitt had officials in his administration transfer, demote, or fire as many as 70 State employees who had worked on the fish hatchery indictments.

This whole affair definitely has a nasty smell, and it is not just due to the dead fish!

Utah's Kennecott copper mine is reportedly the world's largest open-pit mine. The ore extracted from this mine has brought enormous wealth to its owners, but has been paid for by the public in the form of extensive environmental damage. Acid mine drainage and the careless dumping of waste rock have contaminated surface waters and groundwater on an unprecedented scale. For at least 10 miles along the Oquirrhs mountain face, clean water is all but impossible to find by the local wildlife. Cyanide leach pads, acid mine drainage, and other forms of dangerous contamination have spread across 20,000 acres of land. Metallic contamination has reached Utah's Great Salt Lake and Jordan River.

Mining has always come with a high environmental price tag, and I will grant that some improvements have been made at Kennecott in reducing its toxic air emissions. But what I find especially noteworthy is that for nearly 20 years conservation and citizens' groups have clamored for a clean-up plan for Kennecott. Yet conveniently, this long-sought-after clean-up plan didn't make any headway until this year, right after the Governor's August 11 nomination to become EPA's Administrator. What a coincidence of timing. He has been Governor for many years now. What accounts for this ''Road to Damascus'' conversion? Is it political expediency?

Utah's U.S. Magnesium Corporation also illustrates Governor Leavitt's environmental ''credentials'' for the job as EPA Administrator. MagCorp, as it is called, is listed No. 1 on EPA's list of toxic polluters. Some years, it falls to No. 2. At a minimum, it is one of the nation's worst toxic polluters.

According to EPA's Toxic release Inventory, MagCorp accounted for more than 90 percent of total chlorine releases in the United States from 1998 to 2000. Since 2000, MagCorp's chlorine emissions have decreased and it now accounts for only 80 percent of the Nation's chlorine releases. But this slight decrease has not resulted from any enforcement action taken by Governor Leavitt's administration. Rather, the reductions are attributable to actions taken by the EPA.

My question is, Why did the EPA have to step in to enforce the law? Tests of the company's waste-water ditches have revealed dioxin contamination at 170 parts per billion. That is 170 times higher than EPA's ''action level'' for clean-up. EPA eventually had to step in where the State had failed to do so. That strikes me as a serious lapse in enforcement responsibilities.

Remember that Governor Leavitt has said, ''The national government should establish standards. Local governments must figure out how best to meet them.'' But in case after case of significant environmental damage, we find that the Governor appears to believe that ''he who enforces least enforces best.'' What good are environmental health standards, if they are being ignored, year after year? Those standards exist for sound scientific reasons and are developed only after years of extensive research and independent peer review.

The plain fact is this: toxic pollution is dangerous to our health, especially to the health of our children and grandchildren. We may not immediately see the lowered I.Q. scores, cancer ''clusters,'' or autoimmune diseases, but make no mistake, they are

among the tragic results when polluters are allowed to flaunt with the law with impunity. Failure to enforce our environmental laws portrays either a sad ignorance of the health costs or, even worse, a knowing disregard for them. In recent years, scientific analysis of the highest caliber has shown that, if anything, our environmental health standards may be too lax.

We have learned, for instance, that children under 2 are 10 times more likely to develop cancer when exposed to the same toxic concentration as adults. An article that appeared in the New England Journal of Medicine last April reported that the concentration of lead in the blood which can lower a child's I.Q. is lower than previously believed. In the latest study published in the New England Journal of Medicine, researchers report that at blood-lead levels allowed under the current health standard, children's I.Q. scores declined by an average of 7.4 points.

We will not be well served by an EPA Administrator who continues, or even accelerates, the pace at which President Bush is dismantling our fundamental environmental protections. The last person we need as Administrator is someone whose philosophy on key environmental issues is less regulation, no matter what the cost to public health and the environment.

I would add that it is not just the Sierra Club and the Southern Utah Wilderness Association who have voiced opposition to this nomination. Rocky Anderson, Mayor of Salt Lake City, who opposed the Governor's ''Legacy Highway'' project, said:

> On environmental issues governor Leavitt and I differ greatly. He's had some great opportunities to provide real leadership, but I think he has been unwilling to spend the political capital to make the important changes. We have serious air quality issues that are simply going to get worse without strong leadership.

The last 3 years have been the ''darkest hour'' of our Nation's commitment to environmental protection since EPA was created. This White House has repeatedly foisted its penchant for secrecy and cover-up on the Environmental Protection Agency. It held back the Children's Environmental Health Report for 9 months. It has hidden and misrepresented the impacts of its New Source Review rule. And for the first time ever, White House officials insisted that the global warming chapter be deleted from EPA's Air Quality Trends Report. You do not have to be an atmospheric scientist or professor to know what is happening because of global warming. We see the trend all over, and we see the consequences of that trend. But the administration will have none of that.

Earlier this year, the administration tried to prevent the release of a report on EPA's abysmal enforcement record. I am thankful the report was leaked to the press. Now we have some of the facts regarding EPA's enforcement record under President Bush:

Enforcement actions against some of the worst environmental violators have been cut by at least 45 percent;

Half of the facilities that violate their toxic limits do so by 100 percent;

13 percent violate their limits by a staggering 1,000 percent; and

80 percent of Clean Water Act violators never receive a formal enforcement action.

This is a total disregard for the law. I think it's time to end the disregard, the secrecy, the obfuscation, and the wholesale abdication of responsibility for protecting two of the Nation's most precious resources: human health and our environment.

My fear is that this abdication won't end with the nominee the Senate is poised to confirm; it will get worse. Therefore, I must vote ''No.'' And I hope many others will vote no to show that we are opposed to this degradation of our environment and to this willful ignorance of the costs that degradation will impose on our society.

I yield the floor.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Oklahoma.

Mr. INHOFE. Madam President, I had a hard time figuring out whom the distinguished Senator from New Jersey was talking about.

Let me just outline how this side is going to use its 30 minutes. I have a few comments to make, and I may respond to some of the things the Senator said about Governor Leavitt. I understand Senator BOND wants to come down and have about 5 minutes.

I ask if Senator JEFFORDS would mind if Senator HATCH could have our last 10 minutes because he was not able to spend as much time in the Chamber yesterday in order to respond to anything else that has been said about Governor Leavitt.

Mr. JEFFORDS. No objection.

Mr. INHOFE. Thank you very much. I appreciate the cooperation we have had.

First of all, as far as the comments the Senator from New Jersey made about Governor Leavitt are concerned, talking about the Legacy Parkway, let me just mention to him that the construction on the highway began only after Utah had the legal authorization to do so from the various States and the Federal agencies. The 2,000 acres of wetlands would be protected as a nature preserve.

But I think the most significant point, since he is criticizing the administration along with Governor Leavitt, is that all required Federal approvals for the Legacy Parkway project were issued by the Clinton administration after 6 years of study, public comment, and legal review. That was the Clinton administration.

Secondly, on the water quality report, first of all, the report they are quoting is from PIRG, which is another environmental extremist group. It is not part of the Federal Government. The truth is, the PIRG report relied on incomplete data to reach the findings for Utah. When the Utah data was corrected, Utah showed one of the lowest Clean Water Act noncompliance rates in the country.

For example, between January of 2000 and March of 2001, Utah's noncompliance rate placed Utah among the top 10 States with the lowest rates of noncompliance. Right now, 73 percent of the streams in Utah meet all Federal and State requirements. That is a 24-percent improvement over the time since Governor Leavitt took office. It is one of his greatest accomplishments, and here he is being criticized for it.

I have to go back and reread—I wish there were more time to do it. I certainly appreciate Senator JEFFORDS' comments when he said—and this is a quote—

> First of all, it has nothing to do with the qualifications of Mr. Leavitt. I will vote for him and I am hopeful that at some point I will be able to do so. I look forward to that. I consider him a friend. I have worked with him in the past on [various matters].

Gov. Bill Richardson, a Governor with Governor Leavitt, said:

> He has worked effectively with other Governors regardless of party. Obviously the same willingness and ability to work collaboratively with other elected and appointed environmental officials is crucial to the effectiveness of any EPA Administrator. Mike Leavitt is a consensus builder and can bring people together.

That is Gov. Bill Richardson of New Mexico, one of his biggest fans.

We have talked over and over about the accomplishments of Governor Leavitt. He was the chairman of the National Governors Association. He is chairman of the Republican Governors Association, chairman of the Western Governors Association. Under his leadership, the visibility in the West has improved. There have been accolades all over the country on the job he has done as the cochairman of the Western Regional Air Partnership cleaning up the air.

During his 11-year term, we already mentioned 73 percent of Utah streams currently meet all water quality standards compared to 59 percent 10 years ago. And it has all happened since Governor Leavitt took office.

I do not understand at this late hour that finally someone is coming and criticizing him. I have been critical of the debate so far because they have not really talked about Governor Leavitt, except in praising him, but they have talked about misrepresenting the Bush administration's environmental progress.

Now, I think something has to be said that, prior to his markup, committee Democrats submitted 400 questions to Governor Leavitt. And if you compare that to other administrations, when Carol Browner was up in 1993—remember that—she had only 67 questions that came from Republicans—not 400; 67. And, of course, for William Reilly there were just a handful of questions at that time.

Also, going back to the number of days it took between the nomination

and actually becoming the Administrator, for William Reilly it was just 13 days; for Carol Browner, just 11 days; and for Governor Whitman, it was 13 days. Now, this has taken 55 days. And when Senator LAUTENBERG, a few minutes ago, said he has not had time to look at it, my gosh, if he did not need any more than 10 or 13 days for the others, what is wrong with having 55 days? It is certainly more than enough time.

We desperately need to have this man in this office. For weeks we have heard nothing about Mike Leavitt and everything about President Bush, and yet I would like to suggest to you that President Bush's record and accomplishments are second to none.

Let me quote Greg Easterbrook from an op-ed in the Los Angeles Times. He is the senior editor of the very liberal New Republic. He doesn't say many good things about Republicans. He is a Democrat. He is very sympathetic to their causes. He says most of the charges made against the White House are ''baloney,'' made for ''purposes of partisan political bashing and fundraising.'' He also contends that ''environmental lobbies raise money better in an atmosphere of panic and so they are exaggerating the case against Bush.'' In his view, President Bush's new rules for diesel engines and diesel fuel ''should lead to the biggest pollution reduction since the 1991 Clean Air Act amendment.''

Last night I went over all of the accomplishments of the Bush administration. The fact that the Clear Skies legislation is coming up and is going to be the largest mandated reduction in pollutants of any President in history, a 70-percent reduction in sulfur dioxide and nitrogen oxide and mercury. On cleaner fuels and engines, there is the diesel rule. I am prepared to talk about these.

At this point I yield to the minority side for any comments they want to make because, quite frankly, I want to be in a position to respond. I appreciate Senator JEFFORDS allowing the senior Senator from Utah to have the last 10 minutes of our time. We will wait for other Members to arrive.

I yield the floor.

Mr. JEFFORDS. Madam President, I yield the 7 minutes remaining from the time of the Senator from New Jersey to the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I appreciate the time. As I understand it, I am yielded how many minutes?

The PRESIDING OFFICER. Seven minutes.

Mrs. BOXER. Madam President, I rise as a proud member of the Environmental Committee and the chair of the Democratic environmental team. I will be voting no on the Leavitt nomination. The reason is, while I am not pinning all the terrible decisions of this administration regarding the environment on Mr. Leavitt—clearly, he was not there for those—I was very distressed that the questions I asked him were simply papered over or, in some cases—six cases—there was no answer at all. I will explain in a moment.

I am going to divert for a sentence or two to again express my concern about the fires burning out of control in my State. I send my prayers to the people of my State and thank the President for declaring it a disaster area. This was absolutely necessary because we need help from all over the country. These fires are far from out, and the winds are unpredictable.

Our 7,000 firefighters, the heroes of the day again, are out of breath and need relief. We cannot stand back and say the winds will dictate what happens. We have to save lives and homes. I will be going to the State as soon as I can, when it is appropriate, and offer all the help we can.

My colleagues have been so kind and so good in asking questions. Right now we have lost 14 people, 1,518 homes; 501,000 acres are burning, four times the size of Chicago. It is a travesty.

Getting back to the issue at hand, I do not think it is terribly comforting to the American people to hear that the questions I asked were not answered—many of them—because they know we have had many rollbacks. As Senator LAUTENBERG so eloquently said, I have a little scroll I could bring to the Chamber, if I were allowed—I think the rules do not allow for that—and I could let out the scroll all the way past where the Presiding Officer is sitting. It would list, in fairly large type, 300 environmental rollbacks.

I was stunned to hear a Senator on the radio today say that this administration has the greatest environmental record of any President. I can't even respond to that except with the truth. The truth is, we have documented 300 rollbacks.

One of my leaders on this issue, in addition to Senator LAUTENBERG, is Senator JEFFORDS. He has been fighting for clean air harder and longer and with more focus than anyone I know. He could tell you chapter and verse why we are losing the battle to clean up our air. Every time the administration calls something ''Clear Skies, beautiful forests,'' or ''lovely day,'' it is just the opposite when one cuts through it. It is essentially special interest legislation that is rolling back the progress we have made.

If you go to any school in this country and ask the children, do you have asthma, does someone in your family have asthma, do any of your friends, literally almost half the classroom will raise their hands high. This is not the way it used to be.

This is the time when we need strong environmental leadership. Governor Leavitt is one of the nicest people I have ever met. We had a couple of great meetings. But he essentially rolled over my questions, in many cases not even answering them at all, just as if I hadn't asked anything.

Let me tell you about what happened this summer. I call this past summer ''toxic summer.'' Senator JEFFORDS and I held a press conference. Senator LAUTENBERG was there. We documented what has happened just this summer. Let me give you a quick reason why we need a real environmental leader at the EPA.

''Toxic-site cleanups slowing, report says,'' Sacramento Bee.

Spending on the cleanup of hazardous waste sites is slowing under the Bush administration, and that could delay the cleanup of three dozen sites in California, including several around Sacramento. . . .

U.S. is Seeking to Limit States' Influence on Offshore Decisions; California Officials Denounce the Proposed Revisions as an Effort to Bypass Court Rulings. . . .

Whatever happened to States' rights? I thought this administration liked to help States. They are rolling over the States, if the States want to do more cleanup, if the States want to protect their coasts.

EPA's 9/11 Air Ratings Distorted. . . .

We all know Senator CLINTON did a masterful job of holding up this nomination until she got some promises from the administration that she could see exactly what went on behind the scenes and how ''in the days after the terrorist attack, White House officials persuaded the EPA to minimize its assessment of the dangers posed by airborne dust and debris from the skyscrapers' collapse.'' Withholding information is sick. There is something terribly wrong with this administration.

Bush Eases Clean Air Act for Industries.

In one of the broadest changes to air-pollution regulations since the Clean Air Act was first approved in 1970, the Bush administration . . . eased smog rules affecting more than 500 older power plants and some 20,000 aging factories. . . .

This is the issue Senator JEFFORDS has championed.

This is another one from the Los Angeles Times, just this summer. This isn't all the 300. This is just this summer.

EPA Won't Regulate ''Greenhouse Gases''; Environmental Groups' Bid for the Agency to Cut New-Vehicle Emissions is Denied. California May Sue, Saying the Decision Threatens State Efforts.

Later on this week we will vote on the McCain-Lieberman bill. The administration opposes it.

I ask if I may have 2 more minutes from my friend.

Mr. JEFFORDS. I yield the Senator from California 1 additional minute.

Mrs. BOXER. The last chart is frightening.

EPA Eases Rules on PCB-Tainted Properties.

These are the most polluted, dangerous properties. People were not allowed to sell those properties or transfer those properties until they had a plan that EPA signed off on and approved.

Madam President, we need an EPA Administrator with guts and strength and the ability to stand up and say he is going to fight for the environment. The fact that he did not answer a number of my questions tells me that I am

afraid that, in the room when they are debating these issues, Mike Leavitt will be a full team player with the Bush administration and not a team player for the health of the American people.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. I yield time to the Senator from Nevada.

Mr. REID. Madam President, what I want the American people to understand is that this administration's environmental policies are awful, starting with arsenic, the Arctic National Wildlife Refuge, clean air, and what they have not done with Superfund. We can go through a litany of bad decisions. We are going to have a bipartisan bill brought up this week dealing with global warming. The most glaring issue is this administration doesn't believe global warming is taking place.

So when Mike Leavitt called me and said he had been asked by the President to be the EPA Administrator, I said: Mike, why would you want this job, with what this administration has done on the environment?

I said: I like you and I will do everything I can to help you. But you should understand that this administration's environmental policy is the worst this country has ever had.

So I have done what I could to help Mike Leavitt get through this process.

The main thing I wanted to say and why I have such warm feelings about Mike Leavitt goes back many years ago. I was a sophomore in college. I went there on an athletic scholarship at a junior college in southern Utah called the College of Southern Utah. My wife and I decided we were going to get married between my sophomore and junior years, and that we did. Prior to doing that, I went to an insurance agent in Cedar City, UT, by the name of Dixie Leavitt. I didn't know who he was.

I said: Mr. Leavitt, the reason I want to buy a health insurance policy is because my wife may get pregnant and we don't have the money to pay the hospital bill. I want to make sure the insurance policy covers pregnancy.

So we went away to another school, several hundred miles away, to Utah State University. A couple years later, she became pregnant. Well, we were going through the process of contacting doctors, and she has the baby and the insurance policy does not cover maternity. So I call Dixie Leavitt long distance, which I could not afford, to Cedar City, UT.

I said: Mr. Leavitt, I don't know if you remember, but I bought an insurance policy from you. The only reason I bought it was for maternity, and it doesn't cover that.

Without him saying he didn't remember or anything else, he said: Send me the bills. He personally paid those bills.

Now, I have to think some of that goodness rubbed off on his son, Michael Leavitt. I think the story about Dixie Leavitt, whom I have never talked to since I talked to him on the telephone many decades ago, speaks volumes about the kind of man that Mike Leavitt must be because of his father.

I am sorry that Governor Leavitt has accepted this job. I am going to do everything I can, and I hope it works out. Governor Whitman was a total disappointment to me. She had a much stronger environmental record than does Mike Leavitt when she was Governor of New Jersey.

With all the bad things that this administration has done on the environment, it is important to note that at least in this instance they chose a man who has character. I hope that character will come through in the environmental policy of this country and override the bad policies of this administration.

The PRESIDING OFFICER. Who yields time?

Mr. INHOFE. Madam President, how much time remains on both sides?

The PRESIDING OFFICER. There are 22 minutes on the majority side and 5 minutes on the minority side.

Mr. INHOFE. Let me take a minute or two, and then I will yield to Senator BOND. First of all, the Senator from California was talking about the dismal record in Superfund of this administration, and the fact that not enough money has been spent. I want to suggest that there is no correlation between the money raised when they had the tax and the money spent on Superfund cleanups.

In 1996, during the Clinton administration, the tax fund was at its highest level. Yet money spent by the Clinton administration for cleanup was near a 10-year low.

To contrast that, in President Bush's 2004 budget, the money for actual cleanup is near a 10-year high, while the fund is at a low point. In fact, the 2004 request of the President is $1.38 billion, which is higher than 7 of the 8 years of the Clinton administration. So I don't think there is anything to that particular argument.

I also remind the Senator of this: When she talked about people praising the President for his environmental record, many of these people praising the President are not Republicans, they are not pundits. These are Democrats and liberals, who are giving him credit, such as Gregg Easterbrook, senior editor of the liberal New Republic magazine, as I have mentioned.

At this time, I yield 5 minutes to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Madam President, I appreciate the opportunity to speak on behalf of Governor Leavitt. I think the President has made an excellent choice in nominating this Governor, who has a great record. I think the environment and the Environmental Protection Agency will be well served by his nomination. At a time when there are many pressing issues facing us in the environmental area, it is important that we have a good leader.

Governor Leavitt is a good leader. He is a Governor, as I was formerly, and I know that he has brought leadership and management skills and a State perspective. He was very successful in Utah, and he will bring success, as the Nation's longest serving Governor, to the EPA. I believe he stands for environmental principles that we desperately need: collaboration, not polarization; national standards and neighborhood solutions; rewarding results, not programs; science for facts, process for priorities; markets before mandates. All of these things are necessary to move forward in improving our environment.

Governor Leavitt has a record of environmental achievement to match his environmental vision. As my colleagues from Utah will describe shortly, because of him the air in Utah and the West is cleaner and clearer. Visibility over the Grand Canyon has improved because of the Governor's role with the Western Regional Air Partnership. I know our friends from Utah are proud that Utah has among the Nation's cleanest watersheds. That has improved dramatically during the Leavitt administration. Utah's most environmentally sensitive land is better protected because of Governor Leavitt's service.

Unfortunately, Governor Leavitt is entering a job in a city where political opponents try to use the environment to make political gains. We heard charges a few minutes ago that he had not answered all the questions. The interesting part is that we went back and looked at similar questions asked of previous nominees, particularly Administrator Brown in the last administration. She was not able to answer those questions dealing with the internal operations of the EPA either. At the time, we understood, and the Republicans confirmed her.

I am delighted that we are moving forward to confirm Governor Leavitt because he cannot be expected to know everything going on inside the EPA. As far as the record of this administration under President Bush, environmental and health benefits from drastically reduced levels of NO_X and SO_X and mercury pollution in the President's Clear Skies proposal are being held hostage by those who want to use global warming as a political issue against the President.

Environmental benefits, improved energy security, and more efficient and reliable electricity protection in New Source Review improvements are being attacked and blocked by the President's political opponents.

Even my own modest incremental suggestions for improved environmental collaboration in the transportation bill were leaked to the press, mischaracterized by the very environmental stakeholders, some of whom we worked with to formulate those improvements.

Fortunately, President Bush is maintaining a strong commitment to the environment and the Environmental Protection Agency. In the face of funding a war on terrorism, growing deficits, and, yes, even tax cuts, President Bush has requested more money for EPA. President Bush's $7.6 billion request for the EPA is $300 million more than President Clinton requested for the EPA in his last budget. President Bush's $431 million request for EPA enforcement is the largest request for Federal environmental enforcement funds in our Nation's history. I just hope that my colleague, Senator MIKULSKI, and I have enough money in the budget of VA–HUD to meet those goals. It is questionable at this point. But we certainly want to achieve the President's funding.

Just last week in the Environment and Public Works Committee, we were able to pick up the broken transportation pieces and fashion a bipartisan agreement on environmental provisions relating to NEPA and the Clean Air Act. I think this spirit of cooperation can serve this body and our Nation's highway needs well, and maybe we can even flow that cooperation into the Leavitt nomination.

I urge my colleagues to follow this new bipartisanship and move forward and support the nomination of Governor Leavitt without delay.

I yield the floor.

Mr. JEFFORDS. Madam President, I rise to support the nomination of Governor Leavitt to be Administrator of the Environmental Protection Agency. I have worked with him in the past on education issues and found him to be insightful and, most importantly, cooperative. That is what I seek from this administration—cooperation. My support for Governor Leavitt brings with it the renewed call for cooperation from this administration on outstanding information requests that I have on important environmental issues impacting the health of our citizens and our environment. I will continue to pursue these requests with Governor Leavitt when he becomes Administrator of the EPA.

This vote should not be seen as an endorsement of the Bush administration's environmental policy but a vote in support of a fine and honorable man who has an extremely difficult job ahead. I look forward to working with him to improve the environmental protection that our country deserves.

Madam President, it has surprised me to hear some Senators use the word obstruction in the context of Governor Leavitt's nomination to be the new Administrator of the EPA. It was a surprise because that is exactly what this administration has been doing—obstructing Congress and our legitimate requests for information. Much of the obstruction has been related to the unfortunate and probably illegal activities of the administration on New Source Review and on other important air quality matters such as multi-pollutant legislation.

As Senators may know, the General Accounting Office released a report last week which looked into the effect that the administration's proposed NSR changes would have on pending enforcement actions. That report strongly suggests that administration political appointees were well aware that the proposed changes would negatively affect swift and environmentally protective resolution of those enforcement cases. Yet they proceeded with the changes anyway.

In the course of the GAO investigation, GAO conducted some very interesting interviews that bear on Congress's right of access to agency information. In GAO's February 12, 2003, interview with Bob Fabricant, then-EPA general counsel, the interview notes say, ''Mr. Fabricant mentioned that they were in the process of putting together a confidentially agreement [to provide access to sensitive NSR documents] with the SEPW staff last year but they never completed the agreement.'' When asked by GAO why the agreement was not completed, ''. . . Mr. Fabricant and Mr. Valeri laughed and responded that the agreement was not completed because of the results of the mid-term elections.'' The GAO interview asked, ''. . . why the results of the election should affect GAO and Congress's ability to conduct oversight. Mr. Fabricant did not respond directly to this question but did say that his understanding is that GAO's access to agency documents is governed by the position of the Congressional requestor.''

This new assertion by the agency will come as a very large surprise to Senators on both sides of the aisles, both ranking and chair, particularly for those whose information requests were made while they were chairmen, as I was, and are still unsatisfied. It appears that the Agency and the administration have adopted a posture, which is not defensible by any statute or precedent, that they will just wait for House of Congress to change parties and ignore requests for information that is their duty and responsibility to provide in a timely fashion. I would hope that my colleagues would see the peril in any administration implementing such a cavalier attitude toward the Nation's elected representatives.

The administration has shown an active disrespect for the legislative branch of government which is most disturbing. This pattern is becoming abundantly clear, whether it is vital environmental and public health information or important intelligence and national security data. This is not a healthy situation for reasoned public policy debates or a well-functioning democracy.

Madam President, I yield the floor.

Mr. INHOFE. Madam President, first let me say to my friend from Vermont that is an excellent statement, and I share his view on the qualifications of our nominee. I look forward to his becoming a historic Administrator of the EPA.

I would like to yield myself 5½ minutes so that I can ensure the senior Senator from Utah has the final 10 minutes.

The PRESIDING OFFICER. The Senator has that right.

Mr. INHOFE. Let me just mention a few things. It seems as if we really do not need to talk about Governor Leavitt. I agree with the praises that many people have made of him. I believe that he is probably the best, most qualified nominee we have ever had, but let me take this time to mention some other things.

I already talked about the record, about the Clear Skies legislation mandating a 70-percent reduction in sulfur dioxide, nitrogen oxides, and mercury. No President in history has ever mandated that. I look forward to getting to the Clear Skies legislation.

As to cleaner fuels and engines, the diesel rule has been applauded all around for the amount of reduction it will bring. The rule requiring new heavy-duty trucks and buses to run cleaner will cut harmful pollutants by 95 percent. That is a huge amount.

Also, in terms of enforcement, I talked about these in more detail last night, but the President has done more in terms of settlements. Just in this short period of time he has been President we have had settlements with Virginia Electric Power, and they are going to spend $1.2 billion to reduce pollutants. The Archer Daniel Midland settlement has taken place under this administration. It is going to total $335 million that will go toward cleaning up the environment; Alcoa, $2.5 million to fund environmental projects; Lion Oil Company will spend $2.5 million to install state-of-the-art pollution control technologies throughout its refinery; and the settlement with Toyota, the same thing, $34 million. These are all settlements in the Bush administration. They were not settled during the Clinton administration. So he has that record, and it is a record that is better than any previous administration.

In terms of his budget proposal, I think the Senator from Missouri covered that very well. In cleaner water, we have legislation right now in the committee that I chair, and with the cooperation of Senator JEFFORDS, we have now passed out a nuclear security bill, waste water security bill, and a chemical security bill. Hopefully, they will be taken up and passed before long.

As far as this administration, on brownfields, nobody has been able to hold a candle to what President Bush and his administration have done in brownfields. I am very sensitive to this because I had an amendment on the brownfields bill that would include petroleum sites, some 200,000 petroleum sites, and that has been used as an example for the greatest single area of accomplishment, in terms of cleaning up these sites. We are talking about

brownfields as opposed to Superfund sites. The legislation will significantly increase the pace of brownfields cleanups. President Bush's 2004 budget proposal provides $210 million, more than twice the level of funding prior to the passage of this legislation. So I would just say that I join with the U.S. Conference of Mayors and the Trust for Public Land in applauding the President for the accomplishments he has made in brownfields, certainly much better than any other administration.

Then lastly, I would just say that the President has actually done not just good enforcement but smart enforcement. Over the last two fiscal years, the EPA and the Department of Justice enforcement has obtained $8 billion in environmental remediation. This is the best consecutive 2 years of enforcement of any prior administration on record.

I repeat that. In his enforcement, this is the best consecutive 2 years of enforcement of any prior administration on record—the Clinton administration and the previous Bush administration. In fiscal year 2002 the EPA compliance assistance centers provided environmental technical assistance to more than 673,000 businesses and individuals to help them comply with environmental laws. I think that is consistent with the fundamental belief of this President that he does not want to just go out and punish people. He does not want to use that for the mark or the indicator as to what kind of jobs have been done. He wants to help people, help people get sites cleaned up.

Comments have been made about the Superfund by the previous speakers. I would only say that the amount of money that has been appropriated for cleanup of Superfund sites is higher than any other administration that this President actually has for the 2004 budget. I appreciate that.

Mrs. FEINSTEIN. Mr. President, I rise to address the nomination of Governor Michael Leavitt to be Administrator of the U.S. Environmental Protection Agency, and to speak more generally on my concerns regarding the impact of EPA policies on environmental issues in California.

I have many concerns about the Bush administration's commitment to advancing strong environmental policy. However, because I believe that it is important for a President to be able to select his own Cabinet, I do not oppose the President's nomination of Governor Leavitt to be Administrator of the Environmental Protection Agency. It is only in exceptional cases that I believe the Senate in its role of advice and consent should reject a nominee.

Governor Leavitt will be assuming leadership of the EPA at a critical time. The Agency stands at a crossroads in its mission. I strongly believe that the administration's environmental policies thus far have moved the EPA in the wrong direction. It will require strong leadership from Governor Leavitt to steer EPA back onto a progressive course.

Many environmental issues must be addressed in the coming 2 years on both a national and State level. I look forward to working with Governor Leavitt if confirmed as Administrator of the EPA, and I am certain that together we will be able to find innovative and efficient solutions to the environmental problems confronting California.

I would like to discuss a few of the issues.

First, I would like to begin by asking Governor Leavitt to take a definitive stance in the battle against climate change. There is strong evidence that most of the global warming that has occurred during the past 50 years is attributable to human activities.

Shamefully, the White House under the Bush administration has chosen to disregard this worldwide problem by thwarting efforts to regulate greenhouse gas emissions.

And given the overwhelming evidence of U.S. culpability regarding greenhouse gas emissions, EPA needs to take a strong stance regarding the enactment of stringent rules and regulations.

The United States must catch up to the rest of the modern world in the battle against climate change.

Voluntary programs are not sufficient. They barely work—and certainly not to the extent necessary to reduce emissions.

We must work to reduce overall greenhouse gas emissions as opposed to merely reducing emissions intensity in the manner proposed by the White House.

Even if we achieve the administration's goals of reducing emissions intensity by 18 percent, the actual amount of emissions will still likely increase.

The recent revisions to the Clean Air Act's New Source Review rules are one example of the Bush administration's disregard for air quality control. These revisions allow aging and inefficient power plants whose permits are up for renewal to continue operating in the exact same manner—environmentally speaking—that they did decades ago.

For example, a coal power plant can conduct major repairs and parts replacement, without updating the pollution control equipment.

It has been years since the problem associated with clean air and powerplants became apparent to everyone, and yet the current administration has pushed through regulations that will let the pollution continue unabated.

I look forward to the upcoming Senate debate and vote on the McCain-Lieberman climate change bill this week. In anticipation of this vote, I encourage the Agency to take a firm stance on climate change.

I want to turn now to address a very important issue for California voters: the joint State-Federal CALFED program designed to improve California's water supply, fishery resources and water quality.

I have been extremely disappointed to date at EPA's lack of involvement in CALFED. EPA can and should take a role in CALFED's water quality program.

I urge the next Administrator of EPA to work closely with California on water quality. Here are some important steps EPA could take:

The CALFED plan proposes to take action on wastewater treatment, bromide reduction at municipal water intakes and new efforts to stem contaminants from abandoned mines.

These actions will be spliced with source water protection, new health effects research on Delta water, as well as comprehensive monitoring and assessment of Delta drinking water quality.

Finally, to assure progress, public and peer review processes will monitor compliance with drinking water standards, and measure performance against consumer water rates.

If EPA partners with California on this program, the benefits could include better tasting water at lower costs, a longer life for Californians' plumbing and consumer appliances, and more reliability from recycling and groundwater storage programs.

A decade ago, there were efforts to deregulate a portion of the radioactive waste stream and allow these wastes to be either recycled into consumer products or disposed of in local municipal landfills.

This effort created such a firestorm of public concern that the Congress prohibited it in the 1992 Energy Policy Act.

Since that time, there has been no effort to try again to deregulate radioactive waste—until now.

Recently, the EPA has announced that in the next few weeks it intends to issue an Advanced Notice of Proposed Rulemaking to consider deregulating the manner of disposal of radioactive wastes.

This action would allow radioactive wastes to be sent to landfills that were neither designed nor licensed to handle such wastes.

Radioactively contaminated materials could also be recycled into consumer products, where they could end up in everything from children's braces to spoons and automobiles.

These are not theoretical risks. The Los Angeles Times has reported that the Santa Susana Field Laboratory in Ventura County, CA shipped hundreds of tons of radioactively contaminated metals from decommissioned old reactors to a metal recycler in San Pedro. That radioactively contaminated metal was then melted down and shipped out into the consumer metal supply.

It is my understanding that these Advanced Notices of Proposed Rulemaking—designed to once again try the controversial deregulation of radioactive waste—are being held until after the confirmation of the EPA Administrator has been addressed.

It is my hope that Governor Leavitt, if confirmed as the new Administrator, will take a hard look at this issue and block this misguided proposal. I know I will be keeping a close eye on the matter.

I would like to now move on to an issue of paramount importance to California.

The degraded air quality in California has reached a crisis point. It is imperative that EPA addresses the various factors contributing to air pollution in California with immediate regulatory efforts.

A bit of statistical background is necessary to understand the breadth of the air quality problems.

California has the worst air quality in the Nation. For example, Los Angeles is the only area in the country that has ''extreme non-attainment'' for air pollution standards.

Two thousand three has been the worst year for smog in southern California since 1997. The Los Angeles basin has experienced unsafe levels of ozone approximately every other day since the first of May.

Legislators and regulators from California are working together to address the sources of air pollution.

I am fighting to remove language inserted into the VA/HUD spending bill that would prohibit California from limiting the amount of pollution that can be released from small engines, those that are less than 175 horsepower, such as lawnmowers and small tractors.

The California Air Resource Board recently approved landmark regulations—which were written with significant input from the small engine industry—that would set strict pollution standards on engines of 25 horsepower or less, but these regulations would effectively be preempted if the language in the VA/HUD bill is signed into law.

These small engines release a disproportionately large amount of pollution based on their size. In California alone, these engines emit the pollution equivalent of 18.3 million cars. Appropriate regulations could cut the emissions from small engines in half.

The EPA must take another look at regulating the obscene amount of pollution that comes from small engines such as lawnmowers and leaf blowers. It is my sincere hope that upon confirmation, Governor Leavitt will direct the EPA to examine this issue further.

The EPA can also help improve California's air quality by granting California a waiver to the Federal mandate requiring States to add oxygenates such as ethanol to its gasoline.

Ethanol is a highly volatile substance. According to the California Department of Environmental Quality, ethanol actually appears to have resulted in an increase in the amount of volatile organic gases that are released into the atmosphere. These gases are implicated in increase levels of smog and ozone in our air.

Ethanol use has increased tremendously in California. In fact, 70 percent of the gasoline used in southern California and 57 percent of that in northern California is now blended with ethanol.

In fact, the conference committee on the energy bill is debating an ethanol mandate that would almost triple the amount of ethanol used in the Nation's gas supply.

California, however, can meet clean air standards without ethanol or MTBE. These oxygenates are not necessary to achieve cleaner air. It is imperative to examine the role of increased ethanol use on current higher smog levels.

Winston Hickox, Secretary of the California Environmental Protection Agency, concluded that:

> . . . our current best estimate is that the increase in the use of ethanol-blended gasoline has likely resulted in about a one percent increase in emissions of volatile organic gases (VOC) in the SCAQMD [South Coast Air Quality Management District] in the summer of 2003. Given the very poor air quality in the region and the great difficulty of reaching the current federal ozone standard by the required attainment date of 2010, an increase of this magnitude is of great concern. Clearly, these emission increases have resulted in higher ozone levels this year than what would have otherwise occurred, and are responsible for at least some of the rise in ozone levels that have been observed.

I urge the EPA to stop the legal wrangling, accept the ruling of the 9th Circuit Court of Appeals, and issue the waiver to improve California air quality.

I now want to discuss my concerns surrounding two specific water contamination issues in California: groundwater contamination by perchlorate, and the deplorable state of the New River that flows along the border between California and Mexico.

Perchlorate is both a naturally occurring and man-made chemical that is used as the primary ingredient of solid rocket fuel propellant. Widespread perchlorate contamination was found in California drinking water in 1997, most of it from the manufacture and improper disposal of the chemical.

According to the EPA, perchlorate poses a serious health risk to human health because it interferes with the proper function of the thyroid and can potentially cause tumors.

I urge Governor Leavitt, if confirmed as Administrator of the Environmental Protection Agency, to both hasten and increase EPA's efforts to identify and hold accountable those entities that have contaminated California's groundwater.

To date, perchlorate has been detected in more than 300 groundwater wells operated by 80 different agencies throughout California.

Collectively, these agencies serve 24.8 million people.

In the Inland Empire, a 7-mile plume has contaminated 22 drinking water wells, jeopardizing water supplies for approximately 500,000 residents.

The next EPA Administrator must direct the Agency to use its powers under Superfund law to compel the companies responsible for this contamination to participate in its clean-up.

On a broader scale, the next EPA Administrator must direct the Agency to set a federal drinking water standard for perchlorate as soon as possible, both to clarify clean-up standards and to provide oversight for the cleanup efforts.

There have been recent suggestions that it will take another 6 years before the EPA can issue a clean-up standard. Six years is an unconscionable delay given that we are discussing pollution of our drinking water supply.

EPA should take conduct site-specific assessments to evaluate the level of perchlorate contamination, and when appropriate, provide replacement water for the communities suffering from contaminated water.

This is a matter of utmost urgency for California because human health is at stake. I strongly believe the EPA must both accelerate and strengthen its response to this problem.

I also want to draw the EPA Administrator's attention to the status of the New River, which flows along the border between California and Mexico.

The New River has been consistently named one of the most polluted rivers in the United State by American Rivers.

The New River flows North from the Mexicali Valley into California's Imperial Valley, carrying with it vast quantities of urban runoff, such as raw sewage, industrial and municipal wastes, such as pollution from factories, and agricultural runoff, including pesticides.

Here is one startling statistic: Every day, the river pumps between 20 to 25 million gallons of raw sewage into California.

This is such a massive amount of horrific pollution flowing into California every day that we desperately need the help of EPA and the Federal Government to develop a solution to this problem.

The EPA has worked in Mexico to build two sewage treatment plants; however, I urge the agency to focus efforts on clean-up strategies in California.

In Utah, Governor Leavitt demonstrated his commitment to clean water when he supported the Colorado River Basin Salinity Control Act. This legislation helped reduce salt and agricultural drainage, and has had beneficial ramifications in California as well.

I applaud Governor Leavitt's efforts in this arena, and I would very much like to see his Clean Water Initiatives expanded to include other imperilled rivers such as the New River in California.

I must also voice my concern about the status of the Superfund Trust Fund. In 1980, citizen concern and outrage over highly toxic sites led to the creation of the EPA Superfund program to locate, investigate, and then clean the most hazardous sites nationwide.

Superfund has not been renewed since it expired in 1995, leaving dwindling Federal dollars to clean-up contaminated sites.

This is a big shift from the Clinton administration, when taxes on chemical and petroleum products provided up to $3.7 billion to clean up toxic waste sites.

As a result, the EPA is cleaning up 31 percent fewer Superfund sites, and taking in 64 percent less in fines per month than it did during its peak.

There are 96 sites in California that are currently on the Superfund national priorities list, the second highest number in the Nation behind New Jersey.

Approximately 40 percent of Californians live within four miles of a contaminated Superfund site.

One site in particular, the Santa Susana Field Laboratory in Ventura County owned by Rocketdyne, has been at the center of years of controversy regarding clean-up standards and funding.

A partial meltdown occurred there in 1959, and over the years other accidents and spills resulted in widespread chemical and radioactive contamination, which the federal government has been attempting to clean up.

EPA has played a key role in overseeing the cleanup.

I have been repeatedly promised by EPA that EPA would maintain that role, that it would ensure that contamination at the facility will be remediated to EPA's CERCLA, i.e., Superfund, standards, and that EPA will conduct a thorough radiation survey of the site to those CERCLA, standards to find the remaining contamination that needs to be cleaned up.

Recently, there have been indications that the administration may be pulling back from those commitments. DOE has said it doesn't want the promised EPA survey to go forward and that it wishes to remove only 5500 cubic meters of radioactively contaminated soil

This plan would leave behind 400,000 cubic meters of soil DOE concedes are contaminated above EPA's primary cleanup goal, and then release the site for unrestricted residential use.

Children could end up playing atop the strontium-90 and cesium-137 from a past reactor meltdown if EPA does not stand firm and stick to the commitments it has made to me.

I take the longstanding promises by EPA seriously, and will be closely watching to see that a new Administrator lives up to them. Governor Leavitt has set an encouragingly progressive precedent in his interactions with the Department of Energy, particularly during his work to remove uranium mine tailings from the Colorado River at Moab, Utah. Now we ask the Governor, in his role as Administrator of EPA, to continue that protective stance.

I applaud Governor Leavitt in his past efforts to ensure that the Department of Energy behaves in an environmentally responsible manner, and I urge the Governor to martial all available resources to continue cleaning Superfund sites.

Among the most serious issues we face as a country is the risk of terrorism, and among the most worrisome of those threats is that a radiological dispersal device—a so-called ''dirty bomb''—could be detonated.

The Homeland Security Agency, with input from a number of other agencies including EPA, has been attempting to develop cleanup standards to remediate the radioactive contamination that could result from such an event.

Some agencies have pushed for cleanup standards far more lax than EPA historically has viewed as protective of human health and the environment.

Given the concern many in this Chamber have about EPA's public pronouncements regarding health risks from the World Trade Center tragedy, I will be looking to the EPA Administrator to stand firm in insisting that any cleanup standards established for the aftermath of a ''dirty bomb'' terrorist event be fully protective of human health and the environment.

These standards should be no less protective than EPA's existing standards for cleaning up radioactive contamination from non-terrorist causes such as spills and accidents.

I support the nomination of Governor Mike Leavitt, and look forward to working with him and the Environmental Protection Agency.

Mr. HARKIN. Mr. President, I will vote to confirm Michael Leavitt to be Administrator of the Environmental Protection Agency, but I want to emphasize that I am hoping that Governor Leavitt will bring change to the sorry record that this administration has had on the environment.

I am concerned by the direction that our Nation's environmental policy is headed. We need an active Environmental Protection Agency, working to protect the health of our people. This administration has been active, all right—actively rolling back the environmental progress our country has made, actively working to narrow the reach of Federal environmental policy, actively working to promote oil drilling in environmentally sensitive areas and actively cutting funding for conservation and anti-pollution enforcement efforts.

Under this administration, we've seen cuts in funding for the EPA. We've seen an increased focus on cutting sweetheart deals with polluters. And we've seen a failure to move forward on new, innovative programs that will help our environment. While environmental regulation requires action and distributes responsibility among Federal, State and local authorities, Governor Leavitt needs to recognize that the Federal EPA is the backstop. The environmental buck will stop on Governor Leavitt's desk. If a State is not acting responsibly and protecting the health and safety of its citizens, Governor Leavitt must step in. I hope that Governor Leavitt will fight for the environment, rather than fighting for the priorities of the White House.

I have concerns with this nominee. A number of environmental watchdog groups have expressed their disappointment about Governor Leavitt's record on environmental protection during his tenure as Governor of Utah. He has a record of supporting a number of projects that were environmentally questionable, such as the Legacy Highway Project in Davis County, UT. It is my understanding that this highway project as originally conceived would harm a significant migratory bird habitat.

But in the end, I decided that Governor Leavitt has the background and qualifications necessary to do this job. As a governor who has a distinguished background not only leading his own State, but also the National Governors Association and the Western Governors Association, he will bring an experienced hand to the leadership of the agency. Further, as the Vice-Chair of the National Governors Association, he pushed through a bipartisan policy supporting working out environmental issues through a collaborative process.

In the area of agriculture, the Administration has delayed the implementation of the Conservation Security Program, a fresh farmer-friendly approach to farm policy that uses incentives to help farmers do what's best for their land and for the air and water they and their neighbors breathe and drink. This bipartisan, bicameral program was a key part of the 6 year farm bill passed last year. Yet, it is still not implemented.

We've also seen a serious pullback from the Clean Water Act. In the face of the SWANCC decision limiting federal jurisdiction on certain isolated wetlands, the EPA has released an Advance Notice of Proposed Rulemaking and policy guidance that pulls back even further. The intent of Congress for the CWA is clear—to protect the waters of the United States, and to reach all waters within Federal constitutional jurisdiction.

The court's decision in SWANCC has removed jurisdiction from intrastate, non-navigable waters where jurisdiction was based solely on the so-called ''migratory bird rule.'' The contemplated changes to the rules pull back much further and would relinquish jurisdiction that the Federal Government clearly has and needs to protect waters of the United States.

One of Governor Leavitt's achievements at the National Governors Assocation was the adoption of a set of environmental principles he calls ''enlibra.'' The term means ''balance,'' and refers to a process of bringing in all the stakeholders in environmental issues together to try to work issues out. I hope that, as EPA Administrator, Governor Leavitt will truly strive for balance—because, unfortunately, there has been very little balance in the environmental policies of the administration he is joining.

Mr. VOINOVICH. Mr. President, I rise today in support of the nomination of Gov. Michael Leavitt to serve as Administrator of the Environmental Protection Agency.

As my colleagues here in the Senate know, I have more than a passing interest in the people who run our Government. Many of our problems have

been caused because we do not have the right people with the right knowledge and skills in the right place at the right time. The process is even more difficult when trying to find people to nominate for controversial appointments like Federal judgeships or high-profile Cabinet officers.

Well, I would like to say that President Bush got it right. Mike Leavitt is clearly one of the best people we could ever get to run the EPA.

I first met Mike while we were both Governors and were active together in the Republican Governors and National Governors Associations. Mike served as NGA vice-chairman, under then-Gov. Tom Carper, NGA chairman, RGA vice-chairman, while I was chairman, and as RGA chairman.

He has established a very strong reputation as a straight-shooting consensus builder with the proven ability to work on a bipartisan basis. On many issues, Mike was willing to take on tough issues—such as internet taxation and unfunded mandates legislation—and worked with both Republican and Democratic Governors to form consensus and move the ball down the field.

During his three terms as Governor, Mike has demonstrated an outstanding ability to efficiently and effectively manage the State of Utah's provision of public goods and services. Time after time, Governor Leavitt has set an agenda in Utah, and each time he has rolled up his sleeves, pulled together broad coalitions, reached consensus, and gotten results.

Under Mike's watch, Utah has hosted the most environmentally friendly Olympics ever, reduced crime, decreased reliance on welfare, reduced unemployment, and improved education funding and performance—all while the State's sales, income, and property taxes have been reduced. In fact, During Mike's tenure as Governor, Utah has been named the best-managed State five times. No wonder he was recently named ''Public Official of the Year'' by Governing magazine.

Governor Leavitt's record on the environment is equally as impressive. Consider: Utah's air quality has demonstrably improved during the Leavitt administration. Utah currently meets all Federal air quality standards; this was not the case when Governor Leavitt started his service. Visibility and air quality in the West have improved because of Governor Leavitt's co-chairmanship of the Western Regional Air Partnership. Utah has among the Nation's cleanest watersheds and water quality has improved dramatically during the Leavitt administration. Governor Leavitt helped protect 500,000 acres of remarkable land in national parks, monuments, recreation areas and wilderness study areas through value-for-value land exchanges with the Federal Government. Utah's Quality Growth Commission, which Governor Leavitt helped establish, has conserved approximately 35,000 acres of critical land in perpetuity, protecting critical wildlife, watershed and historical and agricultural assets in the State. Governor Leavitt helped found Envision Utah, the Nation's largest voluntary quality growth partnership. It was formed to create a vision and implement strategies to protect Utah's environment for future generations.

I cannot think of anyone who is better suited to lead the EPA. Governor Leavitt has continuously demonstrated the tremendous interpersonal skills and management experience necessary to handle the major challenges that the Agency faces during the months and years ahead. He cares deeply about the environment and will pull people together to get things done.

Mike's proven ability to facilitate the creation of positive solutions to multiple problems and interests is exactly what is needed at the EPA's top post. He has established an impressive track record of producing results; one that I believe will continue should he be confirmed as Administrator of the Environmental Protection Agency.

I strongly urge all my colleagues here in the Senate to support Mike's nomination.

Mr. DOMENICI. Madam President, I rise today to support President Bush's nomination of Governor Michael O. Leavitt to be the next Administrator of the Environmental Protection Agency. I am proud to have the opportunity to make a statement for the record that expresses my endorsement of this qualified nominee. President Bush has chosen an individual who understands the importance of a clean and healthy environment and who will ensure that the regulations promulgated by the EPA will be based on sound science, not speculation and conjecture. All too often, these regulations are put into effect not because they will increase health benefits, but because it was the politically expedient thing to do.

Governor Leavitt's record speaks for itself. I think that there is little doubt, on either side of the aisle that Governor Leavitt is extremely qualified to serve as the next administrator of the EPA. He has thrice been elected as Governor of Utah and is currently the longest serving Governor of any State in the Nation. Under this watch, Utah saw a reduction in crime, hosted the 2002 Winter Olympics, and cut taxes. It comes as no surprise that five times during Governor Leavitt's 11 years as Governor, Utah has been voted the best managed State five times. As Governor, he has demonstrated his fitness to serve as our Nation's top environmental official by solving problems through consensus building and cooperation. Governor Leavitt has demonstrated his ability to bring all affected parties to the table, roll up his sleeves and reach a solution. These skills will be of critical importance as the 2006 arsenic regulations approach and we work toward domestic energy security.

Of great concern to the people of my State and the State of Utah is the implementation of the EPA's 2006 arsenic drinking water standard which lowers the maximum allowable parts per billion of arsenic from 50 to 10. Arsenic is a naturally occurring element in my home State of New Mexico and in the State of Utah. Compliance with this regulation comes at a great cost to small communities, those that least have the resources to achieve implementation. The estimated national cost of implementing this new EPA rule is $600 million annually and will require $5 billion in capital outlays.

The EPA estimates that roughly 97 percent of the systems expected to exceed the standard are small systems, those serving fewer than 10,000 people. These small communities lack the economies of scale present in larger communities and are less able to spread out costs. In Governor Leavitt's home State for example, the Utah Department of Environmental Quality estimates that implementing the new standards will require $40 million in capital outlays and predicts that annual operation and maintenance costs will run into the tens of millions of dollars. We need an administrator that will work with these communities so that implementation of this standard can be accomplished as smoothly and painlessly as possible.

There is no doubt that our Nation is facing an energy crisis. The Energy and Natural Resources Committee, on which I serve as chairman, has spent many months and many people have put in long hours developing a comprehensive energy policy that best meets our Nation's energy needs while safeguarding the environment. I have come to the realization that every department of our Government needs to start looking not only at their policies but how their policies affect America's energy future. As we move forward with America's energy policy, it is critical that we have an EPA Administrator who understands our country's energy needs and is able to make assessments that are both based on empirical proof and will protect our invaluable natural resources for future generations. We need an Administrator who will evaluate how our environmental policies affect the goal of energy self-sufficiency. We need an Administrator that will promote scientifically valid initiatives when making assessments on the impact of regulations the EPA promulgates. I have no reservation that Governor Leavitt is the man for the job.

Accomplishing these national priorities will be no easy task. I hope that he has a very successful term because if he does, we will be a more secure Nation for it. I bid him well.

Mr. WYDEN. Madam President, I supported Governor Levitt's nomination in the Environment Committee, but that does not mean that I support the Bush administration's environmental polices. Far from it. Under the Bush administration, the Environmental Protection Agency has ignored

the law and gutted its enforcement. It has been a 30-month polluters' holiday.

I think the record is clear. There is also an enormous gap between the bipartisan approach that Mike Levitt supported in dealing with environmental issues while he has served as Governor of Utah, and this administration. For example, the bipartisan Western Governors' policy states ''Westerners do not reject the goals and objectives of federal environmental laws, nor the appropriate role of federal regulation and enforcement.'' Recently, the EPA Office of Enforcement found that during the past 2 years, only 24 percent of the facilities that were in major noncompliance with respect to the Clean Water Act faced enforcement actions. So the EPA's own enforcement office says on major water violations, there hasn't been enforcement.

Gap number two, the Western Governors Association has always stressed consultation with all the parties and involving the States. Two examples where the administration isn't doing that are on the question of these closed door negotiations with industrial livestock firms, behind closed doors they are talking about amnesty from the Clean Air Act and the Superfund law. Another is the lack of consultation with the States on the proposed rule to limit the scope of the Clean Air Act. Thirty-nine States have objected and said they were not party to that discussion. So on the question of consultation involving States, there is a big gap between the Western Governors and this administration.

The third big gap can be seen in the Western Governors Association positions on the environment where there is a clear commitment to following the law. Certainly that hasn't been done with the Bush administration when it comes to the Clean Air Act. I was on the conference committee that wrote the law in 1990, and I can tell you there was absolutely no question that it was the intent of Congress that powerplants, oil refineries and industrial facilities would be required to install pollution controls. This is a blatant example of the Bush administration's failure to follow the law.

What I am interested in is seeing an effort to go back to the kinds of policies that the Governors, particularly those in the West, have sought to try to bring people together on these contentious issues and find common ground. That has not been what the Environmental Protection Agency has done in Washington, D.C. But that is what is needed.

When Governor Leavitt came before the Environment and Public Works Committee, I was particularly concerned about his willingness to use the enforcement tools of the agency against serious and egregious violations of the environmental laws. My sense is that the collaborative model that he wishes to pursue is one I support. But it is clear, Mr. President and colleagues, that when companies abuse that kind of good-faith effort by government, the government has got to be willing to come down with hobnail boots on those who are putting at risk our air and our land and water. Prior to the committee vote, Governor Leavitt sent me a memo making it clear that he is willing to look at a different enforcement approach than this administration has used in the past. In the memo, Governor Leavitt wrote ''in warranted circumstances I would use the enforcement power rigorously.'' By contrast, during the Bush administration, enforcement has been essentially abandoned, and even the EPA's own internal reports indicate that that is the case.

The American people need an administrator who is going to end this polluters' holiday and put the Environmental Protection Agency back to work protecting the environment. I think that the Governor's ideas about collaboration are important. They are fresh and creative, and I think that if he is willing to do as he pledged to work with members of Congress on both sides of the aisle, that they could revitalize the agency and bring a fresh approach to environmental policy. But it is important for senators to understand that those who talk about collaboration only, without a willingness to back it up with tough enforcement policies, could be talking about just window dressing for business, or really lack of business as usual.

Over the past several weeks, Governor Leavitt has worked hard to convince me he means business. He has reached out and made the extra effort to show he will be no just an advocate for collaboration but also a tough, no-nonsense enforcer when he needs to be. He has also committed to look at the situation involving the City of Portland's sewer overflows during wet weather and whether this is an appropriate case for enforcement, given that the local community is making progress in addressing the situation and that local ratepayers have already spent more than $500 million toward what will eventually be a $1 billion project.

So the Governor, in my view, has made clear that he wants to bring to EPA a fresh and independent approach to these kinds of issues. He has convinced me that he understands that tough no-nonsense enforcement of this country's environmental laws is absolutely essential when the environmental collaborative approach does not work. I will be closely watching how Governor Leavitt follows through on these changes in EPA's approach to enforcement.

It is very obvious to me that there needs to be a dramatic set of changes put in place at the Environmental Protection Agency. My vote today is essentially a vote because I think the Governor of Utah has the potential to do this job right. I am supporting the Mike Leavitt who I know can be a tough, independent administrator of EPA. For all Americans' sake, I hope Governor Leavitt will be successful in bringing about this change in EPA's direction. I want to give him a chance to succeed, and that is why I am supporting his nomination today.

Mr. FEINGOLD. Madam President, the Senate's responsibility to scrutinize and confirm Presidential nominees is an important one, and never more so than when we are considering who should oversee the agency that, as its name indicates, is designed to protect the country's environment.

The individual charged with this responsibility will advise the President on setting the direction for our national efforts to protect the environment. This person will have the power to decide whether to nurture and conserve, or to develop and destroy our Nation's great resources. Throughout my career, I have committed myself to a career of environmental stewardship. I have tried to cast votes and offer legislation that fully reflect and respond to the importance and lasting legacy of America's environmental needs. I thus take this vote very seriously.

At the same time, I also have another tradition to defend and uphold. I have committed myself to playing a constructive role with respect to the Senate's duty to provide advice and consent on the President's nominees for Cabinet or other senior executive branch positions. I take that role seriously as well.

As the Administrator of the Environmental Protection Agency, Mike Leavitt would be charged with unique and historic responsibilities, which will be as important as they are far reaching. In varying ways, all Americans will be affected by his decisions. As the Nation's principal environmental agency, the EPA has responsibility for the protection of air and water resources, for the clean up of toxic wastes, and for the regulation of the quality of our environment.

That is why I am sensitive to the concerns of some that Governor Leavitt will not live up to this responsibility for environmental stewardship if his nomination is confirmed. I have been at odds with some of Governor Leavitt's environmental management decisions, and I am concerned that his background might cloud his judgement and objectivity on a number of important issues and place him at odds with members of the conservation community and with this Senator.

While I am concerned with Mr. Leavitt's professed unfamiliarity with many of the laws that I regard as critical for the promotion of a balanced environmental policy, I am somewhat heartened by his comments that he will give this position ''the full measure of his heart.'' I am encouraged by this commitment to listen to the views of all stakeholders and all points of view and make, in his words, environmental protection a national ''ethic.''

I will take Mr. Leavitt at his word—that he will devote his time and energy

to the proper enforcement of the EPA's policies, rather than circumventing or repealing laws which preserve our dwindling resources, that he will attempt to address the pollution that makes our air unfit to breathe and our water unsafe to drink, and that he will protect our land and water resources. I intend to hold him to his word.

I also will act in accordance with what I feel is the proper constitutional role of the Senate when it comes to confirming Presidential nominees for positions advising the President. I believe that the Senate should allow a President to appoint people to advise him who share his philosophy and principles. My approach to judicial nominations, of course, is different—nominees for lifetime positions in the judicial branch warrant particularly close scrutiny.

For these reasons, I will support Governor Leavitt's nomination today. However, in doing so, I fully recognize that I have an ongoing responsibility to oversee the institution with stewardship of our environmental quality to ensure that it lives up to its duties. The Senate does not, by confirming Mr. Leavitt, discharge its responsibility to protect our resources and ensure that our environmental laws are enforced. I feel a responsibility to listen to the voices of the many Wisconsinites and others who are deeply concerned about this administration's environmental record. I am hopeful that these voices will be heard by Mr. Leavitt and I will be vigilant in ensuring that Governor Leavitt takes his responsibilities with the utmost seriousness.

Ms. MURKOWSKI. Madam President, I join with those of my colleagues who are pleased to see that the nomination of Governor Michael Leavitt to be Administrator of the Environmental Protection Agency will finally be moving forward.

Governor Leavitt is one of the founders of a bipartisan and collaborative approach to environmental decision-making that is a model for dealing with the difficult issues that face us today. His ''En Libra'' philosophy has been adopted by the National Governors Association and is being used by Federal, State, local and private entities throughout the country. He is the former chair of the National Governors Association, the Western Governors Association, the Republican Governors Association and the Council of State Governments. His experience spans the private sector, academia, and government.

Governor Leavitt is without question qualified for the job. In fact, he is superbly qualified for the job. He is the Nation's longest-serving, and arguably most successful Governor, whose tenure has brought unprecedented prosperity to his State, unparalleled efficiency to its management, and unequaled improvements to its environment. Along the way he has strived for and achieved—if not perfect harmony—then a notable reduction in the volume and intensity of debate over the kind of issues that are more often polarizing than they are unifying.

There can be no better recommendation for the individual who is to lead the agency charged with stewardship of our country's environment.

Unfortunately, Governor Leavitt's nomination was treated shamefully by a small handful of individuals bent on using it as an excuse to accuse the current administration of all kinds of environmental wrongs, to perpetuate outmoded and ineffectual approaches to environmental issues, and to cater to the worst kind of unscientific and unsupportable rhetoric—all that Governor Leavitt stands against and that this Senate should repudiate for the sake of our nation's welfare.

My State of Alaska, as many others—especially in the west—has often struggled with environmental restrictions sought by, imposed by, and maintained by interests with very little knowledge of the conditions we live with. Nonetheless, we take our environmental responsibilities very seriously.

We care about our environment, and we try very hard to address serious issues with clarity and common sense. All too often, common sense is lacking when one-size-fits-all solutions are imposed from outside, and based more on fanciful gloom-and-doom predictions than on facts.

The truth is that we have made mammoth strides in improving our environment, and every day we learn new ways to apply research and technology toward doing an even better job.

This administration is providing a breath of fresh air—and I mean that both literally and figuratively—when it comes to environmental issues.

While improvements can certainly be forced—at great cost—by the threat of heavy-handed government enforcement, they come far more rapidly when they are to the participants' economic advantage. There is all the difference in the world between making money and not losing money.

If we look honestly at what works and what doesn't, we have to conclude that reform of the regulatory process is badly needed. Frankly, I commend the administration for being willing to look at new approaches to building a better environment, rather than continuing to hammer at the same old nails.

I am confident that I will not always agree with the positions that Governor Leavitt may take if he becomes the EPA Administrator. Alaska has a number of outstanding issues with the EPA.

We have long hoped to establish Alaska as a separate EPA region, because attempting to administer such a vast area with so few people who have even seen the issues first-hand is an impossible task that often leads to unnecessary and damaging misunderstandings.

We would like to move forward on a determination that better defines the extent of Clean Water Act authority over Alaska's wetlands. We have over 174 million acres of land classified as wetlands, more than all the other States combined. Much of it is neither use for navigation nor connected in any substantive way with other water bodies, or exists solely because it is underlain by permafrost.

We would like to receive active assistance from the EPA in evaluating the long-term health benefits of our reliance on small, diesel-powered utilities.

We would like to receive recognition that uncontrollable temperature inversions due to our climate are the primary reason some of our cities have difficulty attaining compliance with carbon monoxide rules.

We would like the agency to work with us on developing a mechanism that will more effectively deliver grants to Alaska's many rural Native communities.

In fact, the list of issues between us ranges from minuscule to mammoth—from local issues that should be easily resolved to those which require the intervention of the Supreme Court.

I by no means believe that confirming Governor Michael Leavitt will lead to a resolution of them all. What I do believe is that Governor Leavitt will offer comprehensive, impartial and thoughtful consideration. That is all I ask, and all that my constituents ask.

I strongly support this nomination, and I am very pleased to see that it is moving at this time. I would like to think that this marks a triumph for the American people, who have little patience for diversionary rhetoric and divisionary politics. The American people want their Congress to simply do its job, to the best of its ability, and with the welfare of the entire country in mind.

I will vote to confirm Governor Leavitt on behalf of my constituents, on behalf of all Americans, and on behalf of a safe, productive and healthy environment. I urge all my colleagues to do the same.

Mr. NELSON of Florida. Madam President, yesterday on the Senate floor, I voiced my concerns about the Bush administration's weak environmental record and the need to further debate those concerns. I also shared my belief that Governor Leavitt is an able public servant who will likely be confirmed by the U.S. Senate.

In follow up to those remarks and following the vitiation of the cloture vote, I spoke with Governor Leavitt and explained my views on the direction of environmental policy under this President and the need for him to emerge as champion for the environment in an administration that lacks one. I informed him that, having made my objections known, I would vote in favor of his nomination in the hopes that we could forge a strong working relationship to reach suitable resolutions to the many environmental problems, including Superfund issues, that plague my State of Florida and the Nation.

Mr. INHOFE. And with that I ask the minority, do they have anyone else who wants the time?

Mr. JEFFORDS. Madam President, I yield back the remainder of my time.

Mr. INHOFE. I yield at this time the final 10 minutes to the Senator from Utah, Mr. HATCH.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I thank the Chair. I thank my colleague for reserving his time for me. I also want to pay tribute to the distinguished Senator from Vermont and the distinguished Senator from Oklahoma for their leadership on this matter, for their goodness and kindness in support. I have to say with these two fine Senators we have in the Senate, both of them supporting this nominee speaks volumes of the fine man he is. But I have also heard from a couple of my colleagues whom I respect that they have ''serious concerns.'' Governor Leavitt has had a ''careless disregard for water and air,'' ''a disturbing tendency to ignore regulations,'' ''a hands off approach.'' He is a ''rollback administrator.''

As I understand it, those statements were made this morning. The distinguished Senator from Illinois said that Governor Leavitt has ''turned his back on the wilderness.'' He also said that ''Utah is one of the biggest polluter States in the Nation.''

I cannot blame him too much for making that statement because he is just quoting some of the irresponsible people in the environmental field who basically have totally ignored the facts, which I am going to speak about in a minute.

I am grateful to these two leaders for the kind way they have handled this nomination and for the effective way they have handled it so we will have a final vote on one of the finest Governors in this land to head one of the most difficult agencies in this land. He is a Governor who is known for working with everybody, known for keeping an open mind, known for being honest, known for being active, and known for intelligence. I could go on about Mike Leavitt. He is a very fine man.

Yesterday during the debate on the nomination of Gov. Michael Leavitt to be Administrator of the Environmental Protection Agency, my friend and colleague Senator RICHARD DURBIN from Illinois stood up on the Senate floor and began an attack on the State of Utah and on Utah's Governor. Now this morning, I find that another friend and colleague, Senator FRANK LAUTENBERG of New Jersey, has been following suit. I am certain both of them are sincere, but I am going to show that both of them are absolutely wrong as well.

First, I am very disappointed that my colleagues would spend time highlighting the supposed weakness of another Senator's State and the supposed weakness of that State's top elected official, especially when they are wrong in both instances.

It was very appropriate for the Members of the Senate in the Environment and Public Works Committee to ask the Governor questions orally and in writing about his management of Utah's natural resources and to allow him to provide answers to those questions, but to ignore his answers to those questions and to use the Senate floor to cast aspersions at Utah I find personally offensive.

Secondly, to be frank, I have to say I am especially offended that my colleagues choose this forum to make these attacks with information that is so clearly inaccurate and so cleverly twisted to cast Utah and its Governor in the worst possible light, so I find it necessary to make part of the RECORD the truth about some of the aspersions cast at my State.

Utah is one of the cleanest States in the Nation, and in large part this is due to Gov. Michael Leavitt, so one can imagine my surprise when one of my colleagues comes to the Senate floor to call Utah one of the Nation's biggest polluters and to blame our Governor for it. What does my colleague mean when he calls Utah a big polluter? A more important question is, What does the public think it means when they hear my colleagues say it?

Let me shed some light on where others have sown confusion. One of the principal indexes being looked at by my colleagues is the Toxic Release Inventory, or TRI, which is collected and published by the EPA. The most recent TRI report came out in 2001, but we should keep in mind that the data for that report, or for the TRI, are 2 years old. In other words, the 2001 TRI report makes use of data from 1999.

A very careful distinction must be made before using numbers from the TRI report. Some may believe or wish to cause others to believe that the TRI simply counts up how much pollution goes into our water and our air, but this is not necessarily the case, to say the least. In fact, every time a company uses a chemical and then correctly and legally disposes of it, that is considered a release.

Even if a pound of a certain chemical is properly recycled, that, too, is considered a pound of release. When a mining company takes a pound of dirt and rock and removes metals from it, that leftover soil and rock often contains chemicals from the processing and must be handled according to a very strict environmental set of regulations. However, each pound of that soil and rock is counted as a release under the TRI.

States such as Utah and Nevada have very large mining operations, and because the amount of leftover rock and soil from these operations is very large, these two States show up at the top of the list when all types of releases are combined.

So do TRI numbers really reflect pollution that is going into our air and water? Yes, in some cases. But as I just pointed out, many of the ''releases'' reported under TRI never go into our air or our water but are safely sequestered according to the law.

I quote from the EPA's TRI report itself, 2001 TRI public data release, ES–26:

> TRI reports reflect releases and other waste management activities of chemicals, not exposures of the public to those chemicals. Release estimates alone are not sufficient to determine exposure or to calculate potential adverse effects on human health and the environment.

Most citizens will be more concerned about chemicals actually emitted into the air and discharged into our surface water than they will about leftover rock and soil from mining activities that are legally sequestered. According to the 2001 TRI report, Utah emitted about 19 million pounds of chemicals into the air during 1999, but the same report shows that the State of Illinois released nearly 60 million pounds of chemicals into the air. In other words, according to the TRI, during 1999 Illinois was three times the air polluter that Utah was. I point out that since then, Utah's biggest air polluter, MagCorp, has voluntarily upgraded its facilities and reduced its emissions by more than 90 percent. This is all under Governor Leavitt's management.

Let's look at surface water discharges. During that same year, Utah released 1.2 million pounds of chemicals into the surface water. This was below the average of all States. However, the TRI report shows that New Jersey released 3.7 million pounds and Illinois released 8 million pounds of chemicals into the surface water. In other words, according to the EPA, New Jersey is three times the water polluter that Utah is and Illinois almost eight times the polluter that Utah is.

So what does this mean? Does it mean that Illinois and New Jersey should be labeled as large polluters or, as my State was erroneously labeled, the biggest polluters in the country? No, of course not, and I certainly do not believe that to be the case. I believe they are both beautiful and well run States, just as I know Utah to be.

I think it does mean, though, that the Senators from these two States should be more careful about attempting to pin the ''polluter'' label on my State and on my Governor, and I am not going to stand for it. That is why I am making these remarks today, among other reasons. Frankly, I am going to stand up for this very fine Governor and good person who is known to be a person who works with people of all beliefs and from all parties.

Some of my colleagues and many in the environmental community have been a little too fast and too loose with pinning that unhelpful label of ''polluter'' on others and on the industries that keep our society running.

I have also heard on the Senate floor that Utah has one of the worst records for water quality enforcement in the Nation. This is patently false. There was a report put out by the environmental group that states this falsehood. However, the statement was

based on incomplete reporting on water quality data from Utah.

In an analysis of the complete data, the EPA has in fact determined that Utah ranks among the top 10 States in water quality compliance—one of the top 10 States—and yet we have to put up with this type of unfortunate mischaracterization of my State.

Admittedly, some of my colleagues pay much too much attention to some of these people who are in this game for politics rather than for doing what is right for the environment. I might as well point out that Utah is also in complete compliance with EPA's air quality standards. This is rare amongst States, and it was not the case when Governor Leavitt took office.

I have also heard that Governor Leavitt has turned his back on wilderness in Utah and he supports bulldozing new roads through our national parks. Both statements are false as well, and rather than launch into a long debate about wilderness and BLM roads, I ask unanimous consent that the memorandum of understanding between the State of Utah and the Department of the Interior on State and county road acknowledgment be printed in the RECORD immediately following my remarks.

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

(See exhibit 1.)

Mr. HATCH. Anyone who reads this document will see that the understanding does nothing to allow new roads or even the upgrade of existing roads.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HATCH. I ask unanimous consent for 1 additional minute.

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

Mr. HATCH. They will also see that the understanding specifically excludes roads in our parks, refuges, wilderness areas, and even in our wilderness study areas. More important, these issues have nothing whatever to do with the Environmental Protection Agency, and that needs to be pointed out.

Finally, I reiterate my love for my beautiful State of Utah and for my good friend Michael Leavitt. In my statement yesterday, I showed that the record is clear that Michael Leavitt is a champion of the environment and that he is widely recognized as one of our Nation's top public managers. I urge my colleagues to put their full support behind his nomination to head up the Environmental Protection Agency and I do not believe they will be sorry. I believe my colleagues will find him to be the great leader that we all know him to be.

MEMORANDUM OF UNDERSTANDING BETWEEN THE STATE OF UTAH AND THE DEPARTMENT OF THE INTERIOR ON STATE AND COUNTY ROAD ACKNOWLEDGMENT

This Memorandum of Understanding (MOU) is entered into between the U.S. Department of the Interior and the State of Utah on this 9th day of April 2003.

Whereas,

1. In a Report to Congress prepared in June of 1993, the Department of the Interior explained that unresolved conflicts over the status of rights-of-way created pursuant to Revised Statute 2477 were creating a continuing cloud on federal agencies' ability to manage federal lands.

2. On August 7, 2002, a bipartisan group of eight western governors wrote urging the Department of the Interior to bring finality to R.S. 2477 disputes in a cooperative manner.

3. On July 16, 2002, the National Association of Counties adopted a resolution urging the Department of the Interior to adopt a policy approach to R.S. 2477 rights-of-way that would allow counties to maintain historical rights of way across federally managed lands.

4. Disputes involving R.S. 2477 rights-of-way have generated numerous expensive and inconclusive federal court lawsuits that have left numerous questions concerning the ownership status of R.S. 2477 rights-of-way unresolved; and the high cost of this litigation has made it difficult for states and counties to assert their rights and for conservation groups to assert their interests.

5. The Department of the Interior has traditionally approached R.S. 2477 issues by trying to define the precise legal limits of the original statutory grant.

6. Most of the asserted R.S. 2477 rights-of-way that actually have been part of western states-inventoried and maintained transportation infrastructure since before the enactment of the Federal Land Policy and Management Act (FLPMA) in 1976 satisfy the statutory requirements of ''construction'' and ''highway'' under almost any interpretation of those statutory terms.

7. The State of Utah has many R.S. 2477 claims, and on June 14, 2000, sent to the Secretary of the Interior a Notice of Intention to File Suit under 28 U.S.C.[1] 2409a(m) to quit the title to those claims.

8. The roads in which the State of Utah and Utah counties assert claims include many roads of continuing importance to rural transportation.

9. Rights-of-way granted under R.S. 2477 are vested property rights that cannot be eliminated or diminished without due process. However, the statutory grant of the rights-of-way did not require the issuance of an identifying record, such as a patent. The resulting uncertainty surrounding the identity and scope of R.S. 2477 rights-of-way has created unnecessary difficulties in federal, state and local transportation and land use planning decisions.

10. The State of Utah and Utah counties have spent considerable time and substantial resources to gather information about road claims and are prepared, if necessary, to litigate those claims.

11. Federal, state and local managers and environmental advocacy organizations have all demonstrated a desire to put disputes surrounding R.S. 2477 to rest and move toward an approach to land management that emphasizes cooperation.

Now, therefore, the parties stipulate and agree as follows:

1. The Department shall implement a State and County Road Acknowledgment Process (Acknowledgment Process) to acknowledge the existence of certain R.S. 2477 rights-of-way on Bureau of Land Management land within the State of Utah, as further described in, and subject to the terms and conditions of, this MOU.

2. For purposes of the Acknowledgment Process only, neither the State nor any Utah county shall assert a right-of-way for any:

a. roads that lie within Congressionally designated Wilderness Areas or Wilderness Study Areas designated on or before October 21, 1993, under Section 603 of FLPMA; and

b. roads that lie within the boundaries of any unit of the National Park System; and

c. roads that lie within the boundaries of any unit of the National Wildlife Refuge System; and

d. roads that are administered by a federal agency other than the Department of the Interior, unless that federal agency consents to the inclusion of the road in the Acknowledgment Process.

3. The State of Utah, or any Utah county, shall submit a request to initiate the Acknowledgment Process for a candidate road and shall reimburse the Bureau of Land Management for the reasonable and necessary cost of processing each request. Each eligible road submitted shall have the following characteristics:

a. the road existed prior to the enactment of FLPMA in 1976 and is in use at the present time;

b. the road can be identified by centerline description or other appropriate legal description;

c. the existence of the road prior to the enactment of FLPMA is documented by information sufficient to support a conclusion that the road meets the legal requirements of a right-of-way granted under R.S. 2477; this information may include, but is not limited to, photographs, affidavits, surveys, government records concerning the road, information concerning or information reasonably inferred from the road's current conditions; and

d. the road was and continues to be public and capable of accommodating automobiles or trucks with four wheels and has been the subject of some type of periodic maintenance.

4. The Acknowledgment Process referenced in this MOU that the Department shall use to acknowledge eligible roads is FLPMA's recordable disclaimer of interest process.

See 43 U.S.C. 1745; 43 C.F.R. subpart 1864. The recordable disclaimer of interest process provides a clear statutory basis for resolving claims and provides an opportunity for public notice and participation. The Utah State Director of the Bureau of Land Management will issue a recordable disclaimer of interest if the requirements of the applicable statutes and regulations, and the terms of this MOU, have been satisfied.

5. By signing this agreement, the Department recognizes that road width and ongoing maintenance levels are essential aspects of road management. Therefore, the scope of a road that the Department disclaims should include a sufficient width to allow the State or county to maintain the character, usage, and travel safety of the road existing at the date of this MOU. For purposes of the Acknowledgment Process only, the width of the road asserted and the width of the road disclaimed shall not exceed the width of ground disturbance that currently exists for the road at the date of this MOU.

6. After the Department issues a recordable disclaimer of interest for an acknowledged road, the State or a county may want to increase the road's width beyond the already disclaimed right-of-way, or to improve the road in a way that substantially alters its character (such as by paving a previously unpaved surface). But the recordable disclaimer of interest process will not be used as a mechanism to substantially alter the characteristics of a road. In cases where the State or a county wishes to substantially alter a road that is subject to the Acknowledgement Process in a way that is outside the scope of ordinary maintenance, it will do so only after notifying BLM of its intentions and giving BLM an opportunity to determine that no permit or other authorization is required under federal law; or, if a permit or

other authorization is required, securing such a permit or other authorization, issued in compliance with any applicable law, including requirements of Title V of FLPMA and the National Environmental Policy Act. In the event a permit is deemed necessary, the Department will make its best effort to process requests for access under Title V of FLPMA promptly and cooperatively.

7. In order to facilitate the Acknowledgment Process in Utah, the Department hereby declares that the requirements for determinations under the ''Interim Departmental Policy on Revised Statute 2477 Grant of Right-of-Way for Public Highways; Revocation of December 7, 1988 Policy,'' dated January 22, 1997, shall be inapplicable to acknowledgment requests submitted in accordance with this MOU. While the 1997 Interim Policy shall still apply to all other requests for right-of-way acknowledgment that are not submitted pursuant to this MOU, the Department recognizes that other interested states and counties may wish to submit proposed MOU's for consideration by the Department that are generally consistent with the principles set out in this agreement.

8. The State, Utah counties and the Department shall work cooperatively to minimize trespass situations on roads that are outside the scope of this MOU.

9. It is understood that the State and counties have evidence regarding the existence of many roads, including those in which they assert no ownership interest. They may choose to use this evidence for other purposes, such as to illustrate whether the land through which the roads run have wilderness-like characteristics or resource values. The Acknowledgment Process will take place independently and without prejudice to any other use of this evidence or other valid existing rights, if any.

10. After submitting a road to the Acknowledgment Process, the State or a county may withdraw it from consideration at any time prior to the actual recording of the disclaimer issued by the Department, for any reason, without prejudice. The submission of a road to the Acknowledgment Process does not prejudice the State's or a county's valid existing rights regarding that road under the law.

11. The Department shall execute any implementing agreements with the State of Utah or Economy Act agreements as appropriate with other federal agencies, as required by applicable statutes and regulations, when effectuating the purposes of this MOU.

12. Activities under this MOU and any implementing agreements shall be conducted in accordance with mutually-agreed upon plans for the classification of information by the State, for the review and release of information, and for cooperation in the preparation of any and all reports to Congress. The release of any information by the Department under this MOU will be in accordance with applicable statutes and regulations.

13. Any expenditure of appropriated funds by the Department will be developed in specific agreements authorized by applicable statutes and regulations and is subject to the availability of funds. This MOU shall not be used to obligate or commit funds or as the basis for the transfer of funds.

14. This MOU shall not be construed as creating any right or benefit, substantive or procedural, enforceable at law or in equity, by a party against the State of Utah, Utah counties, the United States, it agencies, its officers, or any other person. This MOU shall not be construed to create any right to judicial review involving the compliance or noncompliance of the State of Utah, Utah counties, the United States, its agencies, its officers, or any other person with the provisions of this MOU.

Signed 4–9–03
Gale A. Norton
Secretary
United States Department of the Interior.

Signed 4–9–03
Michael O. Leavitt
Governor
State of Utah.

[1] For purposes of this MOU, the terms ''road'' and ''highway'' shall be deemed synonymous.

Mr. CARPER. Will the Senator from Utah yield briefly?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CARPER. I ask unanimous consent that the Senator from Utah be given 1 additional minute and he yield it to me.

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

Mr. CARPER. Mr. President, I am less familiar with Governor Leavitt's environmental record in Utah than is our colleague Senator HATCH. I have known him for more than a decade. We became Governors together in the same year. We were elected in 1992. We know him. We know his family.

I know him to be a thoughtful, decent, caring human being. He is a good manager and a good leader of his State. He has also been a great leader of our Nation's Governors.

I was privileged to serve as Chair of the National Association of Governors at the time he was Vice Chair. He succeeded me as Chair. He is very bright and surrounds himself with excellent people. But what I like best is he is very good at bringing together people with diverse points of view, trying to build consensus. We need that in a lot of areas in our Nation's Capitol these days, and we especially need it with respect to environmental issues. I look forward to voting for his nomination and working with him if he is confirmed.

I thank the Senator for yielding.

Mr. HATCH. I thank my colleague from Delaware. His comments speak volumes as to why we should support Governor Leavitt. I am particularly pleased and grateful for his support in this matter, as I am for the support of the two leaders.

The PRESIDING OFFICER. All time has expired. Under the previous order, the Senate will proceed to a vote on confirmation of the nomination. The question is, Shall the Senate advise and consent to the nomination of Michael O. Leavitt to be Administrator of the Environmental Protection Agency?

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from New Mexico (Mr. BINGAMAN), the Senator from North Carolina (Mr. EDWARDS), 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 ''nay''.

The result was announced—yeas 88, nays 8, as follows:

[Rollcall Vote No. 412 Ex.]

YEAS—88

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

NAYS—8

Boxer	Durbin	Rockefeller
Corzine	Lautenberg	Schumer
Dayton	Reed	

NOT VOTING—4

Bingaman	Kerry
Edwards	Lieberman

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2004

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2800, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2800) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes.

Pending:

DeWine amendment No. 1966, to increase assistance to combat HIV/AIDS.

Byrd amendment No. 1969, to require that the Administrator of the Coalition Provisional Authority be an officer who is appointed by the President, by and with the advice and consent of the Senate.

McConnell amendment No. 1970, to express the sense of the Senate on Burma.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I ask unanimous consent to speak as in morning business for up to 5 minutes.

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

(The remarks of Mr. CRAIG are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I begin by thanking the Senator from Idaho. It has been a pleasure for me to work with him on this issue. I think we have been working now for close to 3 years, beginning with the Quincy Library Group in California to try to forge a different forest policy, and also to recognize that our forests are overburdened with undergrowth, with nonindigenous species; and so fires, when they happen, burn hotter and do much more destruction than they have done historically.

I thank the Senator for his sympathy for what our State is going through. I want to tell you that I just spoke with the White House, with Mr. Rove, because I had heard from Mr. Blackwell, the regional forester, that the forest fire has taken a turn, because the winds have changed, and is now heading for half a million acres of bark beetle-infested forests near Lake Arrowhead and 44,000 homes are now in jeopardy.

This is just huge. I hope that anyone listening will begin to bring in some military help, more C–130s. With the winds down, the C–130s can work. Perhaps this area can be worked from the air. But the fire is advancing so strongly and also like a spear into San Diego itself, and over the Santa Monica mountains into Malibu. So we have a real maelstrom on our hands.

We think we have a good bill. We believe we have the only bill that can be accepted by this body, and I am hopeful that the leadership will bring this bill to the floor very shortly. I think we need to put everything aside and just get a bill passed.

The Senator is right about streamlining the administrative review process. Our bill does that. It does so in a way that it does not prevent collaboration, does not prevent public testimony, but it streamlines the process.

I think we have handled judicial review in a way that we can agree makes it truncated; temporary injunction, 60 days, and if you want another, you have to come back and justify it. It is the Federal court in the area of the project. We have the first old-growth protection which will be codified in the history of this country.

It is a good bill. I hope that those who might want to place amendments on this bill will really not do so, so we can pass a bill and get it moved on so the 20 million acres that are in this bill, which we know are at the highest risk of catastrophic fire, can be dealt with quickly.

The Senator and I have talked. The Appropriations Committee has been helpful in getting additional dollars for bark beetle infestation. But for 3 years now, we have known this was going to happen. The day is upon us and we must do right by our forests. So I am very grateful for the Senator's help and collaboration on this.

Mr. CRAIG. I thank the Senator from California. She has been a full cooperative partner in working in a bipartisan way. She has outlined many of the provisions in the bill that have been worked out between the Agriculture Committee, the chairman, MIKE CRAPO, Senator DOMENICI, BLANCHE LINCOLN, and a good many others. It was a collaborative, bipartisan effort.

I agree that this is a bill that should be on the floor as we speak. It should not be amended. There are a lot of other bills that will come and other issues that can be addressed.

But California is facing its worst nightmare as we speak in the form of fire. The reality of what the Senator spoke to in the San Bernardino Forest in the Greater Lake Arrowhead area is truly a firestorm of great proportions, and we hope the winds will die down and shift and they will come in off the ocean and bring moisture and lift the dewpoint and lower the fires. That isn't happening as we speak. Quite the opposite is happening, as we play out the Santa Ana and get through this season.

But in the meantime, the destruction is now almost immeasurable. You see it on the faces of the people being interviewed. Maybe America finally recognized it when San Diego could not play football in their home stadium. They had to move to Phoenix because they are using the parking lot as a staging area. Maybe America scratched its head a little and said: What is wrong with this? Should this be happening? No, it should not be—at least to the extent that it is.

The Senator from California is right that procedure can help lessen the impact of the kind of fire scenario we are seeing. She and I have teamed up with our leadership and said let's debate this bill now on the Senate floor and throughout the balance of the week, after we finish foreign operations. We can do that. It should not take but a full day of debate. A lot of issues ought to be talked about on this bill, and then we ought to pass it so America can see that the Congress of the United States is responsive when California is at risk to the proportion that it is today. I thank the Senator.

Mrs. FEINSTEIN. I thank the Senator from Idaho, also. I was just talking to Representative LEWIS. He indicated that two members of his family each lost their homes. I understand that Representative DUNCAN HUNTER also lost his home. So they join literally 1,500 families now who are bereft, without housing, without their home. Really, everything they have built is just gone. Now we find that there are another 44,000 homes in jeopardy. So I very much appreciate the comments of the Senator.

AMENDMENT NO. 1977

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 1977.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself, Ms. SNOWE, and Mrs. MURRAY, proposes an amendment numbered 1977.

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

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

The amendment is as follows:

(Purpose: To clarify the definition of HIV/AIDS prevention for purposes of providing funds for therapeutic medical care)

At the appropriate place, insert the following:

SEC. ____. For purposes of section 403(a) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7673(a)) the term ''HIV/AIDS prevention'' means only those programs and activities that are directed at preventing the sexual transmission of HIV/AIDS, and activities that include a priority emphasis on the public health benefits of refraining from sexual activity before marriage shall be included in determining compliance with the last sentence of such section 403(a).

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to add Senator SNOWE and Senator MURRAY as cosponsors of this amendment.

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

Mrs. FEINSTEIN. Mr. President, I rise today to offer an amendment to the fiscal 2004 foreign operations bill to provide the administration with greater flexibility in how it funds HIV/AIDS prevention programs.

We believe this amendment is critical to our efforts aimed at stopping the spread of the HIV/AIDS virus and providing a safe and healthy future for millions of people around the world. Time is not on our side, and we must act now.

Our amendment does two things. First, it reserves at least one-third of the funds for prevention of sexual transmission of HIV rather than one-third of all prevention funds for ''abstinence-until-marriage'' programs. This recognizes that HIV prevention includes many types of activities, and those that target the sexual transmission of HIV/AIDS such as abstinence-until-marriage programs are really only a subset.

Second, our amendment defines an abstinence-until-marriage program as any program that includes, but is not necessarily limited to, providing information that emphasizes the public health benefits of refraining from sexual activity outside of marriage.

Earlier this year I was proud to join my colleagues in passing the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003. This is a historic piece of legislation that expressed our resolve to see the United States take a leadership role in the fight against the HIV/AIDS pandemic. The bill recognized that prevention, along with care and treatment, is an essential component of that fight.

The bill, as passed by both Houses and signed by President Bush, contains language that recommends for fiscal year 2004 and 2005 that at least one-third of all global HIV/AIDS prevention funds be set aside for abstinence-before-marriage programs. This sense of the Senate provision becomes a mandate for fiscal year 2004 through 2008. Our amendment simply clarifies the congressional intent of this provision and increases the flexibility of how HIV/AIDS prevention funds are spent.

In order to fulfill our goal of stopping the spread of HIV/AIDS, we should not tie the hands of workers on the ground by limiting the use of HIV/AIDS prevention funds. A brief glance at some of the numbers related to the HIV pandemic demonstrates the importance of funding a wide range of prevention activities.

Worldwide, 40 million people—that is huge—are infected with HIV; 29.4 million people are infected in sub-Saharan Africa alone. That is 70 percent of the world's total. As of 2001, 21.5 million Africans had died of AIDS. That is 21.5 million Africans dead from AIDS. The national intelligence council projects at least 50 million new cases of HIV by 2010 in five countries alone: China, Ethiopia, India, Nigeria, and Russia. Fifty million new cases in five countries. That is a huge pandemic.

Currently fewer than 1 in 5 persons at risk for HIV/AIDS worldwide have access to prevention. Yet UNAIDS and the World Health Organization have conducted research that shows that two-thirds of the estimated 45 million new HIV infections expected to occur between now and 2010 could in fact be averted with effective prevention. Two-thirds of 45 million anticipated cases could be prevented. That is a very critical figure for us to make use of.

Passing the global HIV/AIDS bill was an important first step to meeting that challenge. Our amendment builds on that endeavor and increases the effectiveness of the legislation.

Let me be clear. Our amendment does not strike the 33 percent earmark for abstinence-until-marriage programs. It simply expands the definition of abstinence-until-marriage and gives the administration maximum flexibility to fund programs that successfully increase abstinence among young people. The key word is ''successful.'' All Senators, including myself, know that abstinence is a key strategy in preventing the spread of HIV/AIDS, and the importance we place on those programs is reflected in the legislation. What we are trying to do—and I am trying to do—is give the administration and the people on the ground the flexibility needed to design HIV prevention programs that meet the needs of a given community.

Different programs work better in different communities. There is no real one-size-fits-all program. A May 2003 report from the Bill and Melinda Gates Foundation and the Henry J. Kaiser Foundation highlights that proven AIDS prevention programs involve behavior change programs, including delay in the initiation of sexual activity, faithfulness, correct and consistent condom use, testing and treatment for sexually transmitted disease, promoting voluntary counseling and testing, harm reduction programs for HIV drug users, preventing the transmission of HIV/AIDS from mother to child, increasing blood safety, empowering women and girls, controlling infection in health care settings, and devising programs geared toward people living with HIV/AIDS.

Let's take a closer look at one of these prevention programs: preventing the transmission of HIV from mother to child. We have seen great strides in recent years in this area. Studies have shown that combining drugs such as Nevirapine with counseling and instruction on the use of such drugs reduces mother-to-child transmission by 50 percent. And we have tens of millions of AIDS orphans in Africa alone. So it is a really important program.

Such cost-effective prevention programs are not related to abstinence and should not be constrained by the 33 percent earmark in funds for prevention. Our amendment will allow local communities to spend money on HIV prevention that is most effective in that community. If the most effective program in a community is the promotion of abstinence until marriage, my amendment will not preclude funding for such a program.

Ensuring that the earmark applies only to programs related to preventing the sexual transmission of HIV would free up additional resources for non-abstinence programs while at the same time maintaining the importance of abstinence-until-marriage activities. In fact, my amendment would not prevent the United States from spending more than one-third of funds for the prevention of the sexual transmission of HIV on abstinence-until-marriage programs if the administration decided that was the most effective use of those funds.

We believe the United States should have the flexibility to fund programs that are successful in leading to increased abstinence.

In response to a letter I wrote to Assistant Secretary of State for Legislative Affairs, Paul V. Kelly inquiring about the definition of an ''abstinence-until-marriage'' program, Secretary Kelly responded:

> Achieving the HIV/AIDS prevention goals of the President's Emergency Plan will require a comprehensive and sustainable approach recognized by both the Plan and the law. The ''ABC'' model [Abstain, Be faithful, Use condoms], has been used successfully to prevent HIV/AIDS transmission in Uganda as well as Zambia and Ethiopia. These successes show that promoting behavior change and healthy lifestyles, including abstinence and delayed sexual initiation, mutual monogamy, faithfulness and fidelity in marriage and reduction in the number of partners, consistent and correct use of condoms, and avoidance of substance abuse, are successful in preventing the spread of HIV/AIDS.

This tells me that this administration understands that the most effective way to prevent HIV is a multipronged approach. We should be able to fund programs that place a priority emphasis on abstinence but also discuss other methods as outlined under the ABC approach.

For example, the United States Agency for International Development has sponsored Zambia's HEART, Helping Each Other Act Responsibly Together, HIV/AIDS prevention program, a mass media campaign that promotes HIV/AIDS prevention through messages about abstinence, consistent condom use, and the fact that ''you can't tell by looking'' if another person is HIV-positive.

A 2001 impact survey of youth aged 13 to 19 found that many of the respondents chose to remain abstinent because of the campaign. In fact, respondents were more likely to report that they chose to abstain than to report condom use. This confirms what I have long believed: if young people are given the necessary information and education, they will make an informed and health decision regarding their sexual activity.

If programs like the HEART program in Zambia are successful in increasing abstinence, we should not turn our back on them or limit the amount of resources available because they discuss multiple prevention strategies.

Again, this amendment is about giving our Government and other countries the flexibility to get the job done.

Cultural differences, epidemiology, population age groups, and the stage of the epidemic in a given community will all play roles in how an effective HIV/AIDS prevention program is designed.

This amendment is pro-abstinence, it recognizes that there is more to preventing the spread of HIV/AIDS than preventing the sexual transmission of HIV, it balances congressional priorities with public health needs, and it preserves the administration's flexibility in deciding which programs to fund that would be most likely to increase abstinence.

It is a commonsense amendment and I urge my colleagues to support it.

I thank Senators SNOWE and MURRAY for cosponsoring this amendment.

I yield the floor.

Ms. SNOWE. Mr. President, I rise today in support of the amendment offered by Senator FEINSTEIN and myself to clarify the funding under the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003.

As my colleagues will remember, we stayed on the floor late into the night to pass that bill, and we did so in a bipartisan manner, without amendment, because of the critical importance of providing the President with a bill before he attended the G–8 Summit in Evian, France. In doing so, we sent the President to the G–8 with the firm

commitment and resolve of the United States to tackle the global AIDS crisis.

This clarification was not made in May, because of the fact that there was no time to conference any changes from the House-passed bill. I believe we did the right thing by sending that bill to the President when we did, but as we address issues today related to funding that commitment, I believe we have a responsibility to address this clarification.

This amendment recognizes prevention—along with care and treatment—as essential to stemming the AIDS epidemic and supports a multiplicity of HIV prevention strategies. HIV prevention must include many types of activities, of which prevention activities targeting sexual transmission are only a subset.

The amendment is consistent with the intent of the bill by reserving at least one-third of the funds for the prevention of the sexual transmission of HIV for ''abstinence-until-marriage'' programs—otherwise known as ''abstinence only.'' Ensuring that one-third of prevention funds, instead of one-third of all funds, are used for these ''abstinence only'' programs preserves the funding for multilayered approaches which have been most effective in combating HIV transmission. It is also important to note that the amendment takes into account the fact that there are many ways to succeed in changing the behavior of young people so that they abstain, including programs that emphasize the health benefits of refraining from sexual activity before marriage, and ensures that these programs can benefit from this funding.

This clarification reinforces the notion that encouraging programs that educate about abstinence and delayed sexual initiation is a key strategy in preventing the spread of HIV/AIDS. Strategies that include encouraging the delay in the initiation of sexual activity, faithfulness as well as consistent and correct condom use have had the highest rate of prevention of HIV/AIDS on the continent of Africa. According to the May 2003 report from the Bill and Melinda Gates Foundation and Henry J. Kaiser Foundation, we need to develop a multilayered approach that combines those types of programs with testing and treatment for sexually transmitted diseases, promoting voluntary counseling and testing, harm-reduction programs for IV drug users, preventing mother to child transmission, increasing blood safety, and controlling infection in health care settings.

This amendment supports the intent of the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003 by ensuring that funds are targeted to the programs that are the most effective, while balancing the priorities on spending these resources. The amendment also preserves the President's flexibility in determining which programs will be supported.

Mr. President, I believe this amendment provides the right approach to this critical issue and I urge my colleagues to support this clarification.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the distinguished Senator from California. I am very strongly supportive of the points she has made.

I see the distinguished chairman of the subcommittee, the senior Senator from Kentucky. I think he and I totally agree that if Members have amendments, they should get them to the floor and then we can begin voting on them. Traditionally, we break at 12:30 for the Republican and Democratic caucuses. I would like to get a vote before then. I do not know what the situation is on the Feinstein amendment. I ask my friend from Kentucky whether that is something on which we might vote. There has not been a chance for someone on the other side to speak as of yet.

I think what we need to do, if we can, and before I yield the floor, is make this plea on our side of the aisle—and I suspect the same one will be made on the other side—that if Members have amendments, bring them and see either Senator MCCONNELL or myself. If they are going to require a rollcall, we can enter into some time agreements.

Senator MCCONNELL and I have some housekeeping amendments which we can dispose of by voice vote, but let's get these others with a time agreement.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I certainly concur with my friend from Vermont. We hope to finish this bill today. We believe we can. There are not a large number of amendments on each side.

With regard to Senator FEINSTEIN's amendment, we are taking a look at that now and hope to be able to react soon about moving that one forward as well. If everyone would share our view that it might be desirable to finish this bill today, the way to get that done is to talk to Senator LEAHY and myself about amendments. We are open for business and would love to sit down with Members and talk about their amendments.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. I thank the Senator from Kentucky and the Senator from Vermont for their comments. I very much appreciate them.

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, we are now about a month behind time in getting a number of the appropriations bills through. Senator MCCONNELL and I worked very hard on this bill. I think we have crafted good, bipartisan legislation. Unlike some of the things that happen around here, this has had strong input from both sides of the aisle. It would be a shame if there were so many delays it became part of an omnibus—or, as some more accurately describe, an ''ominous''—appropriations bill.

This bill, as much as anything, can reflect the real nature of America. We are the wealthiest, most powerful nation on Earth. There are so many things we can do and should do even better. It requires pennies per person, for example, to remove the threat of measles, diphtheria, and other diseases in Africa and elsewhere, diseases that kill millions of children.

I do not doubt that if anybody in this body were told, ''Look at these 20 children; if they will give us $2 or $3, we will save their lives; if they do not, the children are going to die,'' of course we would reach in our pocket and say: ''How about some money for others?''

We do have some money for that. It is nowhere near as much as a wealthy nation such as ours should have, but it is a start. That is just one of the things that is in the bill on which we should move forward.

There will be those who will try to bring the amount on AIDS prevention up to the amount the President of the United States has promised over and over again in speeches. We will be supportive and try to bring it up to that amount. I hope the administration will support us as we try to support what the President has said he wants.

There are so many other areas. There is money in there to help the victims of landmines. There are still millions of landmines in the ground all over the world. The Leahy War Victims Fund that is in here is designed to help them. That is a bipartisan effort.

I say that, not to go down through a litany of everything that is in this piece of legislation, because I would much prefer people come forward and raise their amendments and have them voted on. We, as Senator MCCONNELL said, can finish this bill today. We can finish by early evening with cooperation. After 29 years here, I know what happens to a bill such as this. It is almost like pulling teeth to get people to the floor now. At about 5 or 6 at night, people are here saying, My gosh, I have to go to this; I have to go to that; can't you put this over to tomorrow?

I know we have time agreements. Now is the time to do it. The McConnell-Leahy store is open. Come by and do your shopping. Let us talk. Let us reason together. Let us seek prayerful guidance under the benevolent tutelage of the distinguished Presiding Officer, and let us get this bill off and get it voted through. The final package is going to pass overwhelmingly. Let's get the amendments done.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENTS NOS. 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, AND 1988, EN BLOC

Mr. MCCONNELL. Mr. President, the Senator from Vermont and I have cleared a series of amendments which I will send to the desk to be considered en bloc.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for himself and others, proposes amendments numbered 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, and 1988, en bloc.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 1978

(Purpose: To provide funding to protect and promote media freedoms in Russia)

On page 27, line 1 after the colon insert the following: ''*Provided further,* That $5,000,000 shall be made available to promote freedom of the media and an independent media in Russia:''.

AMENDMENT NO. 1979

(Purpose: To provide authority to use economic assistance appropriations for ''Transition Initiatives'', and for other purposes)

On page 13, line 22 before the period, insert the following: '': *Provided further,* That if the President determines that is important to the national interests of the United States to provide transition assistance in excess of the amount appropriated under this heading, up to $5,000,000 of the funds appropriated by this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961 may be used for purposes of this heading and under the authorities applicable to funds appropriated under this heading: Provided further, That funds made available pursuant to the previous proviso shall be made available subject to prior consultation with the Committees on Appropriations''.

AMENDMENT NO. 1980

(Purpose: To permit USAID to modify the terms of guaranteed loans, and for other purposes)

On page 14, line 6 strike ''costs'' and insert the following: ''costs, including the cost of modifying such direct and guaranteed loans,''.

On page 14, line 7 before the period insert the following: '': *Provided further,* That funds made available by this paragraph and under this heading in prior Acts making appropriations for foreign operations, export financing, and related programs, may be used for the cost of modifying any such guaranteed loans under this Act of prior Acts''.

AMENDMENT NO. 1981

(Purpose: To require a report on the admission of refugees)

On page 147, between lines 6 and 7, insert the following:

REPORT ON ADMISSION OF REFUGEES

SEC. 692. (a) Congress makes the following findings:

(1) As of October 2003, there are 13,000,000 refugees worldwide, many of whom have fled religious, political, and other forms of persecution.

(2) Refugee resettlement remains a critical tool of international refugee protection and an essential component of the humanitarian and foreign policy of the United States.

(3) Prior to the beginning of each fiscal year, the President designates, in a Presidential Determination, a target number of refugees to be admitted to the United States under the United States Refugee Resettlement Program.

(4) Although the President authorized the admission of 70,000 refugees in fiscal year 2003, only 28,419 refugees were admitted.

(5) From fiscal year 1980 to fiscal year 2000, the average level of U.S. refugee admissions was slightly below 100,000 per year.

(6) The United States Government policy is to resettle the designated number of refugees each fiscal year. Congress expects the Department of State, the Department of Homeland Security, and the Department of Health and Human Services to implement the admission of 70,000 refugees as authorized by the President for fiscal year 2004.

(b)(1) The Secretary of State shall utilize private voluntary organizations with expertise in the protection needs of refugees in the processing of refugees overseas for admission and resettlement to the United States, and shall utilize such agencies in addition to the United Nations High Commissioner for Refugees in the identification and referral of refugees.

(2) The Secretary of State shall establish a system for accepting referrals of appropriate candidates for resettlement from local private, voluntary organizations and work to ensure that particularly vulnerable refugee groups receive special consideration for admission into the United States, including—

(A) long-stayers in countries of first asylum;

(B) unaccompanied refugee minors;

(C) refugees outside traditional camp settings; and

(D) refugees in woman-headed households.

(3) The Secretary of State shall give special consideration to—

(A) refugees of all nationalities who have close family ties to citizens and residents of the United States; and

(B) other groups of refugees who are of special concern to the United States.

(4) Not later than 90 days after the date of enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees describing the steps that have been taken to implement this subsection.

(c) Not later than September 30, 2004, if the actual refugee admissions numbers do not conform with the authorized ceiling on the number of refugees who may be admitted, the Secretary of State, the Secretary of Homeland Security, and the Secretary of Health and Human Services shall report to Congress on the—

(1) execution and implementation of the refugee resettlement program; and

(2) reasons for the failure to resettle the maximum number of refugees.

AMENDMENT NO. 1982

On page 75, line 17, after ''Afghan'' insert the following: ''Independent''.

AMENDMENT NO. 1983

On page 35, line 10, after the semi-colon, insert ''and''.

Page 35, line 12, strike ''; (3)'' and insert in lieu thereof the following: '': *Provided further,* That such funds may not be made available unless the Secretary of State certifies to the Committees on Appropriations that''.

On page 35, line 15, strike ''; and'' and insert in lieu thereof the following: '': *Provided further,* That''.

AMENDMENT NO. 1984

On page 105, line 25, strike ''180 days'' and insert in lieu thereof the following: ''one year''.

On page 106, line 3, strike ''nongovernmental'' and everything that follows through ''plan'' on line 6, and insert in lieu thereof the following: ''governments and nongovernmental organizations, shall submit to the Committees on Appropriations a strategy''.

On page 106, line 10, strike ''$10,000,000'' and insert in lieu thereof the following: ''$5,000,000''.

On page 106, line 11, strike ''implement the action plan'' and insert in lieu thereof the following: ''develop the strategy''.

AMENDMENT NO. 1985

On page 87, line 23, strike ''That in'' and everything thereafter through ''subsection'' on line 24, and insert in lieu thereof the following: ''That the application of section 507(4)(D) and (E) of such Act''.

On page 87, line 26, strike ''the'' and everything thereafter through ''subsection'' on page 88, line 1, and insert in lieu thereof the following: ''and''.

AMENDMENT NO. 1986

On page 20, line 9, before the colon, insert the following: '', of which up to $1,000,000 may be available for administrative expenses of the United States Agency for International Development''.

AMENDMENT NO. 1987

On page 34, line 17, strike ''$2,500,000'' and insert in lieu thereof: ''$3,500,000''.

AMENDMENT NO. 1988

(Purpose: To withhold funds for foreign assistance for nations that refuse to pay diplomatic parking tickets)

Beginning on page 98, strike line 24 and all that follows through page 99, line 10 and insert the following:

SEC. 644. (a) Subject to subsection (c), of the funds appropriated by this Act that are made available for assistance for a foreign country, an amount equal to 110 percent of the total amount of the unpaid fully adjudicated parking fines and penalties owed by such country shall be withheld from obligation for such country until the Secretary of State submits a certification to the appropriate congressional committees stating that such parking fines and penalties are fully paid.

(b) Funds withheld from obligation pursuant to subsection (a) may be made available for other programs or activities funded by this Act, after consultation with and subject to the regulation notification procedures of the appropriate congressional committees, provided that no such funds shall be made available for assistance to a foreign country that has not paid the total amount of the fully adjudicated parking fines and penalties owed by such country.

(c) Subsection (a) shall not include amounts that have been withheld under any other provision of law.

(d) The Secretary of State may waive the requirements set forth in subsection (a) with respect to a country if the Secretary—

(1) determines that the waiver is in the national security interests of the United States; and

(2) submits to the appropriate congressional committees a written justification for such determination that includes a description of the steps being taken to collect the parking fines and penalties owed by such country.

(e) In this section:

(1) The term ''appropriate congressional committees'' means the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives.

(2) The term ''fully adjudicated'' includes circumstances in which the person to whom the vehicle is registered—

(A)(i) has not responded to the parking violation summons; or

(ii) has not followed the appropriate adjudication procedure to challenge the summons; and

(B) the period of time for payment or challenge the summons has lapsed.

(3) The term ''parking fines and penalties'' means parking fines and penalties—

(A) owed to—

(i) the District of Columbia; or

(ii) New York, New York; and

(B) incurred during the period April 1, 1997 through September 30, 2003.

Mr. MCCONNELL. Mr. President, included in the cleared amendments that I sent to the desk is an amendment by myself providing funding for media freedoms to Russia; another McConnell amendment providing authority to ESP assistance for transition initiatives; another one relating to development credit authority guaranteed loans; and an amendment by Senator BROWNBACK related to refugee admissions. Senator LEAHY has four technical amendments and one providing funds for administrative expenses for USAID in the Democratic Republic of Timor-Leste; another Leahy amendment increasing funding for Colombian-United Nations High Commissioner for Human Rights; and a Schumer amendment withholding funds for nations that refuse to pay diplomatic parking tickets.

That is the summary of the amendments that are at the desk. As I have indicated, they have been cleared on both sides.

Mr. LEAHY. Mr. President, I understand I am a cosponsor of Senator BROWNBACK's refugee amendment. If not, I should be.

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

Mr. LEAHY. Mr. President, I have no objection. These are all cleared on our side of the aisle.

The PRESIDING OFFICER. Is there further debate? If not, without objection, the amendments are agreed to en bloc.

The amendments (Nos. 1978 through 1988), were agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. LAUTENBERG. Mr. President, I have offered an amendment to this foreign operations bill cosponsored by Senators BROWNBACK, KENNEDY, and LEAHY that will help persecuted refugees across the world.

I think this amendment will enhance our Nation's commitment to humanitarian principles.

In 1990, Congress passed what has become known as the ''Lautenberg amendment,'' a provision that has allowed nearly 700,000 persecuted religious minorities to come to the United States.

These individuals have qualified for refugee status based on their membership in an ethnic, religious, or national minority facing a credible threat of state-enforced persecution.

In 1998, I traveled to the Balkans to visit ethnic Albanians Kosovars who had fled their homes in the face of the brutal rampage of Slobodan Milosovic. Many of these refugees eventually came to the United States, and I was proud to greet them at Fort Dix in New Jersey.

Today, I continue to believe that the United States, as a prosperous global leader, has a special responsibility to those who have been displaced because of political conflict or those who are threatened by ethnic, racial, or religious persecution.

The amendment we included in this bill today reflects our serious concern about the low number of refugees currently gaining entrance to the U.S.

Each year, the President designates a maximum number of refugees to be admitted under the U.S. Refugee Resettlement Program. It is then up to various Government agencies to find and process those refugees who are eligible and to help them gain admission to the U.S.

However, in the past few years, the annual number of admitted refugees has been dramatically lower than ceiling set by the President. In fiscal year 2003, for example, the U.S. admitted only 28,419 refugees, though the limit had been set at 70,000.

With 13 million refugees worldwide, it is unconscionable that the U.S. cannot offer admission to the full number of individuals legally authorized.

There are various reasons for the shortfall in refugees admitted to the U.S. It is extremely demanding on our foreign service officers abroad to find and process each refugee applicant. The amendment agreed to today attempts to improve this process by directing the Department of State to reach out to international non-profit organizations and private voluntary organizations to help identify refugee applicants.

Our amendment also urges the Secretary of State to prioritize those refugees who are most in need, so we can ensure that humanitarian considerations not political ones determine the order of the waiting list for entry.

There is a refugee crisis in the world, and this nation must play a role in trying to solve this crisis. On the African continent alone, some 45 countries host over 3.3 million refugees. These numbers are growing as the accelerating violence in West Africa continues to uproot thousands from their homes.

Current civil conflicts in Liberia, the Congo and elsewhere suggest that the number of refugees will increase in the coming months.

I thank my colleagues for remaining committed to helping victims of oppression, war and persecution across the world. As a child of immigrants, I believe that our country's history and values instruct us to continue welcoming in the ''tired, the poor, and the huddled masses.''

I thank my colleagues for supporting this amendment.

AMENDMENT NO. 1989

Mr. MCCONNELL. Mr. President, there are three additional amendments that have been cleared which we would like to act on individually.

There is a Craig amendment regarding reforestation in Afghanistan. I commend Senator CRAIG for recognizing a problem that we solved while we were in Afghanistan 2 weeks ago, which is the country has stripped a huge percentage of its trees. As a result of that, there is enormous erosion that they would not have otherwise had.

Senator CRAIG knows a good deal about reforestation. He jumped on that and has offered this very worthwhile amendment which would appropriate $5 million for a reforestation program in Afghanistan. I know Senator CRAIG is hoping this fund will be something like a challenge grant in which corporations and individuals in America and foundations in America that have an interest in reforestation would contribute knowing that at least up to $5 million of that money will be matched by the these USAID funds.

It is a very worthwhile project. I commend Senator CRAIG for recognizing this and coming up with a way to begin to deal with a huge problem related to the rebuilding of Afghanistan.

I send the Craig amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. CRAIG, proposes an amendment numbered 1989.

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

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

The amendment is as follows:

(Purpose: To facilitate a reforestation program in Afghanistan)

On page 75, line 15 after the colon insert the following:

Provided further, That of the funds made available pursuant to this section, not less than $5,000,000 shall be made available for a reforestation program in Afghanistan which should utilize, as appropriate, the technical expertise of American Universities: *Provided further,* That funds made available pursuant to the previous proviso should be matched, to the maximum extent possible, with contributions from American and Afghan businesses:

Mr. LEAHY. Mr. President, I ask unanimous consent that I might be listed as a cosponsor.

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

The PRESIDING OFFICER. Is there further debate? If not, without objection, the amendment is agreed to.

The amendment (No. 1989) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1990

Mr. MCCONNELL. Mr. President, I send to the desk an amendment by Senator DOMENICI relating to the International Law Enforcement Academy.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. DOMENICI, proposes an amendment numbered 1990.

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

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

The amendment is as follows:

On page 32, line 7, before the colon insert the following: '', of which $2,105,000 should be made available for construction and completion of a new facility''.

Mr. MCCONNELL. Mr. President, I am unaware of any opposition on this side. I believe that is the case on the other side.

Mr. LEAHY. Mr. President, we have no objection on this side.

The PRESIDING OFFICER. Is there further debate? Without objection, the amendment is agreed to.

The amendment (No. 1990) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1991

Mr. MCCONNELL. Mr. President, finally I send an amendment by Senator LEAHY and myself to the desk which provides assistance to the Ibn Khaldun Center for Development in Egypt related to democracy building.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for himself and Mr. LEAHY, proposes an amendment numbered 1991.

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

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

The amendment is as follows:

(Purpose: To provide assistance for the Ibn Khaldun Center for Development in Egypt)

On page 17, line 17, after the colon insert the following:

Provided further, That of the funds made available pursuant to the previous proviso, $2,000,000 shall be made available for the Ibn Khaldun Center for Development:

Mr. MCCONNELL. Mr. President, I am pleased to offer an amendment—cosponsored by the ranking member of the subcommittee—that provides $2 million for the Ibn Khaldun Center for Development in Egypt.

The Center is directed by Dr. Saad Eddin Ibrahim, a vocal champion of human rights and democracy in Egypt. My colleagues may remember that Dr. Ibrahim was arrested on June 30, 2000, on charges that included defaming the country's image. Many in Cairo and abroad believe that Dr. Ibrahim's arrest was a direct response by the Egyptian Government to his investigations into discrimination against the country's Coptic Christian minority and parliamentary fraud.

Dr. Ibrahim spent several years in jail and was finally acquitted this spring after a second retrial. However, imprisonment neither dulled his desire for democracy, justice or human rights in Egypt nor his passion for pursuing these fundamental rights in the face of repression from the authoritarian Egyptian government.

In fact, when my staff visited Dr. Ibrahim in prison almost 2 years ago he was just as feisty in support of democracy for Egypt as when he passed through Washington a few short months ago.

Given Dr. Ibrahim's noble cause, the amendment provides funding for the center for core support and programmatic activities that promote democracy, the rule of law and human rights in Egypt.

I urge my colleagues to support this amendment, which underscores that an important front in the war on terrorism includes the pursuit of freedom, democratic institutions, the rule of law and human rights in countries throughout the Middle East.

The PRESIDING OFFICER. Is there further debate? If not, without objection, the amendment is agreed to.

The amendment (No. 1991) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. MCCONNELL. Mr. President, Senator SESSIONS is here and I am prepared to offer an amendment. Therefore, I yield the floor.

AMENDMENT NO. 1993

Mr. SESSIONS. Mr. President, I spoke last night about my concern over our inadequate attention given to the substantial problem of health care transmission of AIDS in Africa. As part of this bill, we are moving forward with a $15 billion program to deal with AIDS in Africa.

Some of the agencies involved have been too slow, frankly, to recognize how significant the transmission of AIDS is in Africa as a result of medical transmissions. It occurs in two primary ways. One, throughout Africa they are reusing needles for injections. When people come in, they are given shots. There is one story of an elementary classroom where all were injected with an immunization using the same needle, something we would not tolerate in America.

As a matter of fact, we have taken extraordinary steps to make sure that no one in America who goes to a physician or doctor or hospital or clinic comes home infected with AIDS. We did that with the Ryan White Act. We dealt with hemophiliacs who have blood transfusions. We knew that was a major cause of the transmission of AIDS. We stopped that. We test all blood. We know it is clean or we will not allow it to be injected in someone's body.

That is not true now in Africa. Twenty-five percent of the blood in Africa is transfused without being tested.

We also know that in some countries in Africa as much as 40 percent of the adults have the HIV virus. We know that many more transfusions take place in Africa than in the United States. You would be surprised to know that; most people would. Diseases such as malaria cause anemia, and frequently physicians utilize transfusions to deal with that.

They have other problems that lead to the need for transfusions. Many more transfusions take place in Africa. Many more injections take place in Africa, surprisingly. We find that when people go to the doctor in Africa, they can receive a pill, but they tend to get a shot for whatever their problem is. We believe at least as much as 40 percent of the injections in Africa are unnecessary. Perhaps even more of the transfusions are unnecessary. But in addition to being unnecessary, they are highly risky.

That is the problem. When you reuse a needle, you put patients at risk. In America, we have gone to extraordinary lengths to make sure our blood is clean and our needles are clean. In addition, we have gone to great lengths to make sure that health care workers, through accidents, won't prick themselves with a needle that might be contaminated. Remember, we have only about a 1 percent infection rate in the United States, whereas in Africa it is much larger throughout the continent.

We have numbers from a study in South Africa that between ages 2 and 15, there are 670,000 children infected with HIV. Studies have shown that some of their mothers are not infected with HIV. How did they get it? This is not a sexually caused problem for most of them. This is a problem caused, I am afraid, from unsafe health care practices.

Senator LEAHY knows Holly Burkhalter of Physicians for Human Rights. They have been dealing with this issue for some time. They have concluded that it may be the single most significant act we can take to prevent AIDS in the short term in the world.

We have also discovered that it would take only a relatively small portion of the $15 billion to fix it, the combination of testing and certifying that every transfusion is done with blood that is clean and safe. You take every injection in Africa, even some that are

unnecessary, but every injection in Africa, if you examined all of those and gave a free and clean non-reusable needle for every injection in Africa, we are talking about less than $100 million, really about $75 million. That is what it would take. We are going to be spending $3 billion a year in Africa on AIDS over the next 5 years.

There has been some dispute over how much of HIV is caused by medical transmissions. The WHO says the number is 10 percent. They say that blood transfusions are 5 to 10 percent. They also say that needles account for 2.5 percent.

I have conducted two hearings before the Health, Education Labor and Pensions Committee, of which Senator ENZI, the Presiding Officer, is an able member. We have taken the best witnesses we could get. Dr. Gisselquist and others who are familiar with the issues have testified. I have become more convinced than ever that those numbers are conservative. But at the 10-percent number, the numbers come in at 250,000 to 450,000 infections per year from health care in Africa.

Imagine that: 250,000 to 450,000 human beings, many of them children, many of them infants, going to the doctor to get health care, to get a shot, coming home infected with a disease that will lead to their early death.

Because it is a matter of such colossal error, we need to confront it, and we can. We can do so much better. I will be offering an amendment to urge that we earmark at least $75 million to fix the problem. I believe in very short order we can completely fix it. There is no excuse for any blood in Africa being used that had not been tested. Seventy-five percent of it is tested now. Why don't we go the rest of the way? Do you think that is not a large number, the 25 percent? It is a tremendous number.

Particularly, women who go for transfusions after birth or because of malaria and anemia, those kinds of conditions, are the ones causing the transfusions. They are coming home with AIDS, and they are dying.

These numbers don't consider the fact that people who have been infected by a health care injection or transfusion can go out and infect others, their spouses, or other people. It creates a cycle of growth in the spread of AIDS that is unacceptable.

Dr. Gisselquist says the numbers should be declining in Africa today. They are not. The only explanation for the failure of the numbers of infections in Africa to decline, in his view, is medical transmissions. He has studied every study of this issue that has ever been done in Africa. From that, he considers it as high as 30 percent, three times the number I mentioned before, three times that number. And on the WHO numbers, we are talking about 1,000 infections per day, a number that can be fixed.

It is time for us to ensure, as part of this bill, that the people who are running our AIDS program for the United States and the world understand we expect them to confront the medical transmission issue.

The good news is, the great news is that we can bring these percentages to virtually zero. We can stop 1,000 to 2,000 infections per day. We can take it to zero and eliminate this problem for less than $100 million a year.

I say let's do it. We need to have a sense of urgency. Mr. Tobias, heading this effort, needs to have a sense of absolute urgency. This has been talked about for years.

Last night I had a chart that depicted a headline article in the San Francisco Chronicle, dated October 27, 1998—5 years ago yesterday—detailing needles of death, talking about this very problem. Nothing has been done about it. It will not undermine the effort to deal with the sexual transmission of the disease and it will not, in my view, scare people from going to health care clinics to get treatment—the only two excuses I have heard to date as to why we should not go forward.

I thank the Chair and Senator MCCONNELL for his leadership in managing this bill and his willingness to listen to my concerns.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, this is an excellent amendment that has been cleared on both sides of the aisle. It is an important contribution. The Senator from Alabama is making an effort to combat this plague, which is clearly the No. 1 public health problem in the world today. I thank him for this important contribution.

Has the Senator sent the amendment to the desk?

Mr. SESSIONS. Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS] proposes an amendment numbered 1993.

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

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

The amendment is as follows:

(Purpose: To require that a portion of the funds appropriated for the Global AIDS Initiative shall be made available for injection safety and blood safety programs)

On page 23, line 8, strike the period and insert ": *Provided further,* That of the funds appropriated under this heading, not less than $29,000,000 shall be made available for injection safety programs, including national planning, the provision and international transport of nonreusable autodisposable syringes or other safe injection equipment, public education, training of health providers, waste management, and publication of quantitative results: *Provided further,* That of the funds appropriated under this heading, not less than $46,000,000 shall be made available for blood safety programs, including the establishment and support of national blood services, the provision of rapid HIV test kits, staff training, and quality assurance programs.''.

Mr. MCCONNELL. Mr. President, I see my friend from Vermont here.

Mr. LEAHY. Mr. President, I think the Senator has done us all a service with his amendment. I ask unanimous consent that I may be included as a cosponsor.

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

Mr. SESSIONS. I thank the Senator from Vermont.

The PRESIDING OFFICER. Is there further debate?

Without objection, the amendment is agreed to.

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

Mr. LEAHY. 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 Illinois is recognized.

AMENDMENT NO. 1966

Mr. DURBIN. Mr. President, I would like to speak for a few moments on behalf of an amendment that I believe is now pending, offered by Senator DEWINE and myself relative to global AIDS.

I thank Senator MIKE DEWINE for his amazing leadership on public health issues, particularly relating to the Third World. Most of my colleagues are not aware of the commitment Senator DEWINE and his wife Fran have made to the island of Haiti, which they have visited, as I understand, 15 different times. I was fortunate to join him on one of those trips a few months back and to meet with some of the poorest people in the world, who happen to live in our backyard. They are suffering from the worst conditions you can imagine and, sadly, also being devastated by their own AIDS epidemic.

Senator DEWINE has, through his family and friends, politically committed himself to the people of Haiti. I believe this amendment he offers today is consistent with that commitment. That is why I am honored to be his cosponsor on this amendment relative to global AIDS, which takes an important step forward in meeting a pledge America has made.

Senator DEWINE said Friday, when he introduced our amendment, this is clearly the right thing to do. If we want to put this into perspective, our headlines every day focus on the war on terrorism and the situation in Iraq, as they should; but Secretary of State Colin Powell very eloquently told the U.N. a few days ago what his perspective was. I will quote that:

AIDS is more devastating than any terrorist attack, any conflict or any weapon of mass destruction.

He went on to say:

It kills indiscriminately, and without mercy. As cruel as any tyrant, the virus can crush the human spirit. It is an insidious and relentless foe. AIDS shatters families, tears

the fabric of societies, and undermines governments. AIDS can destroy countries and destabilize entire regions.

That is what Secretary of State Colin Powell said to the U.N. I think it is an appropriate introduction in the consideration of this important amendment. This is becoming the worst plague the world has ever seen. Imagine those words for a moment, when we consider the plagues throughout the history of the world. Already, 25 million people have been killed by HIV/AIDS. Eight thousand people die from AIDS every day—that is 8,000 mothers, fathers, and children. Today, another 42 million people around the world face a death sentence from AIDS because they have no access to treatment. It can cost as little as a dollar a day.

As parents die, 14 million AIDS orphans have been left without the care and support they need. Unless we act soon, there will be 25 million AIDS orphans by the end of the decade.

Reflect for a moment on the scenes that we have seen in Liberia and other parts of Africa, where we find children carrying automatic weapons, hell-bent on violence and destruction—children who, frankly, have no parental supervision for a variety of reasons, but increasingly because their parents have died from the AIDS epidemic. The boys become predatory with these guns, destabilizing villages, societies, and governments, threatening violence on people in a wanton fashion. The girls, these AIDS orphans, sadly without education and support, many times turn to prostitution, perpetuating the cycle of infection which will then, of course, not only claim their lives but their children as well. That is the cycle of AIDS as we know it today. To think of orphans alone is a sad thought. To think as orphans as predators, or orphans who are young girls who become submissive in societies and perpetuate sexual disease is to really take to heart the comments of Secretary of State Colin Powell.

Each year the world loses a population greater than the population of the city of Chicago, which I represent. We lose a population greater than that to AIDS. We know how to stop these deaths. It is not hopeless. For those who have given up and say this is God's verdict on people who deserve it one way or another, they are not only wrong morally, they are wrong medically.

According to the World Health Organization, 5 million to 6 million HIV-infected people in developing countries immediately need treatment. Fewer than 1 percent of medically eligible people in Africa now have access to treatment. Less than 1 percent have access to treatment today.

The World Health Organization declared AIDS an emergency and promised to treat 3 million people by 2005. It is not going to happen.

Current global spending on AIDS is now less than half of the bare-bones budget, $10.5 million, that is needed to reach this goal. We know what the goal should be. We have set the goal. America has joined in setting it with the World Health Organization, and we are going to utterly fail in meeting this goal.

According to Global HIV Prevention Working Group, current prevention spending falls $3.8 billion short of what is needed by 2005. If we close this prevention gap, if we meet the goals we have set—those of us in the West who are blessed with the best hospitals, doctors, and technology in the world—we can prevent 29 million to 45 million infections by 2010.

As the CIA director, Mr. Tenet, recently said about AIDS:

> Is this a security issue? You bet it is. With more than 40 million people infected right now, a figure that—by 2010—may reach 100 million, AIDS is building dangerous momentum in regions beyond Africa.

As the disease spreads, it unravels social structures, decimates populations, and destabilizes entire nations.

The National Intelligence Council found that in five of the world's most populous nations, the number of HIV-infected people will grow to an estimated 50 million to 75 million by 2010. AIDS is particularly devastating national armies around the world that ensure stability. In South Africa, according to the RAND Institute, some military units have infection rates as high as 90 percent.

This amendment will add $289 million in funding to the battle against AIDS. The President pledged the U.S. would come forward with $15 billion over 5 years. This Congress went on record saying we would spend $3 billion this year. The DeWine-Durbin amendment moves us to $2.4 billion. We are still not where we promised we would be. But we must take this important step forward. I urge my colleagues to join me.

As Majority Leader FRIST said so well:

> History will judge whether a world led by America stood by and let transpire one of the greatest destructions of human life in recorded history—or performed one of its most heroic rescues.

We can spare babies from AIDS. We can give mothers hope. We can give families an opportunity to survive. I have been to Africa. I have met these people. I have sat with them. I have cried with them over their plight in this world today. I have left feeling helpless and determined to come to this floor, as often as God gives me the strength to stand behind this desk, and fight that we will have money in our budget to meet the promise we have given to these poor people around the world.

No one else, no other nation, is as rich as the United States. No other nation has stepped forward with this massive commitment. The DeWine-Durbin amendment today moves us closer. We reached $2.4 billion. We are still about $600 million short of what we promised. After this amendment is considered, I will offer an amendment to make up that difference.

I implore my colleagues on both sides of the aisle, do what is right today, not only for the stability of the world but to give hope to people around the world who wonder if anyone notices and anyone is listening. We notice, we are listening, and the DeWine-Durbin amendment, with so many cosponsors, will move us toward providing hope to these families for a future.

I yield the floor.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Ohio.

Mr. DEWINE. Mr. President, I ask unanimous consent that the time for the noon recess be extended by 10 minutes.

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

The Senator from Ohio.

Mr. DEWINE. Mr. President, I thank my colleague from Illinois for his very fine statement and for his sponsorship of this amendment. This is the third time my colleague and I have worked on an amendment on AIDS help for the people of the world who are literally dying of this dread disease. I salute him for his very fine work and for his very fine comments today.

Last Friday, we offered an amendment to the Foreign Operations bill that would increase the bill's current funding level for the global AIDS initiative by $289 million, as Senator DURBIN has indicated. This additional funding would bring the total fiscal year 2004 allocation to $2.4 billion. This $2.4 billion would allow us to meet our goal of providing at least $2 billion in bilateral assistance, and it would also allow us to meet our current matching commitment to the global fund to fight AIDS, tuberculosis, and malaria.

The new AIDS coordinator, Randall Tobias, would be able to distribute this money for the prevention, treatment, and control of and research in regard to AIDS/HIV, tuberculosis, as well as malaria.

I am very pleased a number of our colleagues have joined us as cosponsors of this amendment. In addition to Senator DURBIN, Senator COLEMAN, Senator WARNER, Senator DASCHLE, Senator LEAHY, Senator GRAHAM of South Carolina, Senator ALEXANDER, Senator SANTORUM, Senator COLLINS, Senator SMITH of Oregon, Senator BINGAMAN, Senator CORZINE, Senator BROWNBACK, Senator LUGAR, Senator ROBERTS, Senator HAGEL, Senator DOLE, Senator SPECTER, Senator HATCH, Senator CLINTON, as well as Senator KERRY have also cosponsored this amendment. I thank them all for their cosponsorship. I thank each one of them for their support and for their own efforts to fight the ravages of the global AIDS epidemic.

Fighting AIDS is a monumental task, a huge effort that will demand the time, resources, support, and certainly the prayers of the American people and people around the world for years to come.

It is a global problem with global implications. It is delicate; it is intricate; it is anything but simple. I think the American people understand this. They certainly need to know this. They need to know we will be fighting against AIDS and HIV for a long time.

The disease, death, and destruction it has left in its wake will not go away overnight, no matter what we do. Our amendment today will not completely solve this problem. It will not make AIDS go away, but it will help. It will begin to make a difference. It certainly can make a difference. The resources this amendment will provide will, in fact, save lives.

Let there be no mistake about it; passing this amendment will save thousands of lives. It will save lives because the resources we will provide by this amendment will go to organizations, groups, doctors, and nonprofit organizations that are already in the field, already are in these countries, that have already proven they have the ability to go out and do the job. So in this regard, it is very simple. There are things we can do right now to save these lives and to make an immediate difference. For example, as I said Friday, I have had the opportunity to travel to Guyana and Haiti in this hemisphere and, as we did this past summer, along with Senator FRIST and other Members of the Senate, we traveled to the southern part of Africa, where we had the opportunity to see doctors and organizations in the field doing the work. They were already saving lives and they looked at us and, in so many words, said: Give us the resources, give us the help, give us the assistance we need so we can expand the work we are doing.

We saw them in place. What this bill will do is to give them more help and assistance so they can expand their work, treat more people and help save more lives.

I think the most striking example of this is when we see a mother who is HIV-positive, we know the facts are if she is HIV-positive when she is pregnant with a child and about to give birth, the odds are 30 percent that child will be HIV-positive and that child will be condemned to death. We also know, though, that for as little as $3, that mother can be treated and the odds will be reduced from 30 percent to 5 percent or 4 percent that she will give birth to a child who will be HIV-positive. We can give lifesaving drugs and that lifesaving treatment for a very small amount of money, for the cost of two cups of coffee in the United States. We can do that, and we need to do it.

In addition to fighting HIV/AIDS, we must remain vigilant in our efforts to fight other global epidemics. That is another reason this amendment is so important. The funds it provides, in addition to fighting HIV/AIDS, can be used to fight the spread of tuberculosis and malaria. These are two diseases we have the ability to fight, two diseases we have an obligation to fight.

Like HIV/AIDS, the statistics are staggering. According to the World Health Organization, tuberculosis kills 2 million people per year. It is estimated that between 2000 and 2020, nearly 1 billion people will be newly infected by TB; 200 million people will get sick from it; and 35 million people will die from it if the control of it is not further strengthened. TB is a leading cause of death among women of reproductive age worldwide and it is estimated to cause more deaths among this group than all causes of maternal mortality. With an estimated 3 million new cases of TB each year, Southeast Asia is the world's hardest hit region. In Eastern Europe, TB deaths are increasing after almost 40 years of steady decline. More than 1.5 million TB cases occur in sub-Saharan Africa each year. This number is rising rapidly, largely due to the high prevalence of HIV.

The fact is, people who are HIV positive or who already have AIDS are far more susceptible to acquiring tuberculosis. Their compromised immune system, quite simply, has a very difficult time fighting off the TB infection. As a result, TB is the leading killer of people living with HIV/AIDS. One-third of people infected with HIV would develop TB—one-third. At the end of the year 2001, 13.1 million people living with HIV/AIDS were coinfected with tuberculosis.

In Africa alone, more than 50 percent of individuals with active TB are also HIV positive. And in Asia, TB accounts for 40 percent of AIDS deaths.

The spread of malaria is equally troubling. According to the World Health Organization, over 40 percent of the world's children live in malaria epidemic countries. Each year, approximately 300 to 500 million malaria infections lead to over 1 million deaths, of which over 75 percent occur in African children. In fact, every 30 seconds an African child dies of malaria.

As with HIV/AIDS, there are some relatively simple things we can do to help prevent these needless deaths. For example, insecticide-treated nets have been shown to reduce mortality among children under 5 years by approximately 20 percent. This translates to the prevention of almost half a million deaths each year in sub-saharan Africa alone. Simple items such as these nets can cost as little as $1.50, while a year's supply of insecticides to retreat a net costs from 30 cents to 60 cents. Yet a recent ''Child Survival'' series in the British medical journal The Lancet concluded that:

> Fewer than 5 percent of children in regions of Africa with very high prevalence rates of malaria are using insecticide treated materials to prevent malaria.

Again, as with HIV/AIDS, we as a nation and as a people have the resources and the ability to fight these preventable diseases. With this amendment, we can do so much good. So I say to the Members of the Senate, I say to my colleagues, we should not and we must not tolerate a world where so many people are suffering from HIV/AIDS and so many people are suffering from malaria and tuberculosis. We simply should not tolerate a world where this suffering and dying occurs. And where we have the ability and where we have the tools to help make a difference and to save lives, we must act, and we must act quickly. We should not delay. We must act now.

Every 10 seconds, someone in the world dies because of AIDS. In just the short time I have been speaking here on the Senate floor—in just that time—at least 60 people have died because of AIDS. Those are lives that we can help save. Those are lives that I believe we must help save.

I urge my colleagues to join us, to join Senators DURBIN, COLEMAN, WARNER, DASCHLE, LEAHY, GRAHAM of South Carolina, ALEXANDER, SANTORUM, COLLINS, SMITH of Oregon, BINGAMAN, CORZINE, BROWNBACK, LUGAR, ROBERTS, HAGEL, DOLE, SPECTER, HATCH, CLINTON, and KERRY in supporting this amendment. This amendment will mean more lives can be saved. It is as simple as that.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived and passed, under the unanimous consent agreement we are now in recess until 2:15 p.m.

Thereupon, the Senate, at 12:44 p.m., recessed until 2:18 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2004—Continued

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, Senator LEAHY asked that I fill in for him for the next little bit. We have an amendment to offer. We have no one here from the majority, but I am very confident there is no problem with the Senator from North Dakota offering an amendment. I ask unanimous consent that the pending amendment be set aside so the Senator from North Dakota can offer his amendment.

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

The Senator from North Dakota.

AMENDMENT NO. 1994

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

The PRESIDING OFFICER. The clerk will report.

The assistant clerk read as follows:

> The Senator from North Dakota [Mr. DORGAN], for himself and Mr. SCHUMER, proposes an amendment numbered 1994.

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

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

The amendment is as follows:

(Purpose: To urge the President to release information regarding sources of foreign support for the 9–11 hijackers)

At the appropriate place, insert the following:

SEC. . Sense of the Senate on declassifying portions of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 2001.

(a) FINDINGS.—The Senate finds that—

(1) The President has prevented the release to the American public of 28 pages of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 2001.

(2) The contents of the redacted pages discuss sources of foreign support for some of the September 11th hijackers while they were in the United States.

(3) The Administration's decision to classify this information prevents the American people from having access to information about the involvement of certain foreign governments in the terrorist attacks of September 2001.

(4) The Kingdom of Saudi Arabia has requested that the President release the 28 pages.

(5) The Senate respects the need to keep information regarding intelligence sources and methods classified, but the Senate also recognizes that such purposes can be accomplished through careful selective redaction of specific words and passages, rather than effacing the section's contents entirely.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that in light of these findings the President should declassify the 28-page section of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 2001 that deals with foreign sources of support for the 9–11 hijackers, and that only those portions of the report that would directly compromise ongoing investigations or reveal intelligence sources and methods should remain classified.

Mr. DORGAN. Mr. President, this amendment is a sense-of-the-Senate amendment. I note there are other sense-of-the-Senate amendments in this legislation. I will at the end of my statement ask consent that we consider waiving points of order.

Let me describe what the amendment is and why I have offered the amendment. I offer this amendment on behalf of myself and Senator SCHUMER from New York.

The Congressional Joint Intelligence Committee inquiry into the intelligence community activities before and after the terrorist attacks of September 2001 finished its work. This past summer, when the report was finally authorized for release by the administration, we discovered that the report, which took 9 months to write and 7 months to declassify, contained 28 pages that had been redacted by White House lawyers.

I will quote a couple of people, one who is in the Chamber now. I will quote Senator SHELBY and Senator GRAHAM, the chair and ranking member of the Intelligence Committee while this inquiry was underway. As I indicated, 28 pages of this report were redacted by White House lawyers. That means the American public cannot see what was in that report. We will have no knowledge and no information about what was contained in that rather exhaustive report.

The Bush administration has refused to declassify these pages, citing concern for intelligence-gathering ''sources and methods.'' I don't think that is an insignificant issue, by the way. I think intelligence gathering and the sources and methods for doing so are important. But it is also important, it seems to me, to ask the question, Should these 28 pages have been redacted? Should the 28 pages have been outside the view of the American people, given the fact that this report was done in order to evaluate what happened leading up to 2001, what was happening with respect to our intelligence community, what was happening with respect to other countries?

There has been a great deal of speculation about Saudi Arabia. It is assumed that somehow in these pages there is discussion about the Saudis. The Saudi Government is implicated by some because 15 of the 19 hijackers were from Saudi Arabia. Even the leaders of the Saudi Government, who some have said are the object of the redacted pages, want it declassified. They are angry and embarrassed at being singled out and want to defend themselves, and therefore they want this declassified.

How much of the 28 pages could be declassified? Senators GRAHAM and SHELBY, the former chair and cochair of the Intelligence Committee who directed the report are quoted saying the following: ''I think they are classified for the wrong reason,'' the former vice chairman of the Senate Intelligence Committee told NBC's ''Meet the Press.'' ''I went back and read every one of those pages thoroughly. My judgment is 95 percent of that information should be declassified and become uncensored so the American people would know.'' Asked why the section was blacked out, Shelby said: ''I think it might be embarrassing to international relations.''

Senator BOB GRAHAM of Florida, who was the chairman of the committee investigating this, also called for declassification. He said releasing the report would permit ''the Saudi Government to deal with any questions which may be raised in the currently censored pages and allow the American people to make their own judgment about who are our true friends and allies in the war on terrorism.'' Senator GRAHAM made that request in a letter to President Bush.

This is a very important issue and it has gone on for months and months and months. This report was developed after an extensive amount of study and investigation. The report was then published after being edited by the Bush administration and the White House. And a rather substantial portion of that report—most speculate dealing with the Saudis—was censored, classified, or redacted. That is, the American people are not permitted to see that which is included in the report on those 28 pages.

Again, the chairman and vice chairman of the committee that led or that directed the preparation of this report say most of that information of the 28 pages should be declassified, implying, I believe, since they are not quoted directly, that declassifying that would not compromise sources and methods and not compromise our intelligence community.

My hope is that the Senate, with a sense-of-the-Senate resolution, will weigh in on this in a very significant way and say to the administration these 28 pages should be made available.

Now, in the sense-of-the-Senate resolution, I point out that it is the sense of the Senate that in light of the findings—and I have a series of findings—the President should declassify the 28-page section of the joint inquiry into intelligence community activities before and after the terrorist attacks of 2001 that deal with the foreign sources of support for the 9/11 hijackers and that only those portions of the report that would directly compromise ongoing investigations or reveal intelligence sources or methods should remain classified.

In point of fact, those whose expert opinions I respect have said they have read the redacted or the censored or classified portions very carefully and believe most of it should not have been classified; most of it should have been made available to the American people. If that is the case, and if the Saudi Government itself has said this information ought to be declassified, let us deal with it on the public record. Then I believe the American people ought to expect a right to see this information.

My hope is we will have a vote on this amendment, a sense-of-the-Senate amendment that will allow the Senate in this forum to send a message to the President and to the White House that we believe the bulk of this 28-page redaction should be made available to the American people posthaste.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM of Florida. Mr. President, I commend my colleague, the Senator from North Dakota, for having offered this sense of the Senate. The sense of the Senate has an additional significance as we face some fundamental issues in the closing days of this session.

First, I will talk about the base concerns. As the Senator from North Dakota said, the principal purpose of the joint inquiry was to determine what had been the role of the intelligence community in the events leading up to September 11. In many instances in the course of that pursuit, the committee staff came to unearth FBI reports, CIA reports, and other intelligence community reports. We were not in a position, either in terms of our staff capabilities or our jurisdiction, to then go behind those reports to attempt to validate them. These were reports written by

agents of these appropriate intelligence agencies, but we could not, from primary sources, validate them. The FBI, primarily—and some other intelligence agencies, as well—were tasked to do exactly that, to find out if their own documents in many cases could be substantiated.

Those requests were made approximately a year ago. Still, today, many of those requests have not been answered. The administration has said, either directly or in some cases through intermediaries, that our report is deficient in that there is not second- and third-party confirmation of the statements we include. We included exactly what the FBI or CIA or other agencies had written. We asked the appropriate agencies, primarily FBI, to pursue these to determine if they were substantiated, and in many instances that has not occurred.

There is also an issue not of micro but of macro importance: This report makes a very compelling case, based on the information submitted by the agencies themselves, that there was a foreign government which was complicitous in the actions leading up to September 11, at least as it relates to some of the terrorists who were present in one part of the United States.

There are two big questions yet to be answered. Why would this government have provided the level of assistance—financial, logistical, housing, support service—to some of the terrorists and not to all of the terrorists? We asked that question. There has been no response.

My own hypothesis—and I will describe it as that—is that in fact similar assistance was being provided to all or at least most of the terrorists. The difference is that we happened, because of a set of circumstances which are contained in these 28 censored pages, to have an unusual window on a few of the terrorists. We did not have a similar window on others. Therefore, it will take more effort to determine if they were, in fact, receiving that assistance. That effort has, in my judgment, been grossly insufficiently pursued.

An even more serious question is what would lead us to believe that if there was this infrastructure of a foreign government supporting some of the 19 terrorists, that as soon as September 11 concluded, as soon as the last flames were put out at the Pentagon, the World Trade Center and on the field in Pennsylvania, all that infrastructure was immediately taken down? Again, this is my hypothesis: I don't believe it was taken down. I believe that infrastructure is likely to still be in place assisting the next generation of terrorists who are in the United States.

Those are very fundamental questions, and if the public had access to these 28 pages, they would be demanding answers.

As I mentioned in the beginning of my remarks, there is another issue which is going to emerge in the next few days. We had a long debate in this Chamber on the supplemental appropriations bill, the bill providing $87 billion for the reconstruction and occupation of Iraq. We had a long debate as to whether some of that reconstruction money should be in the form of loans rather than, as the President has insisted, all of it being in grants.

What is one of the practical effects of making all of the U.S. money which will go into the reconstruction of Iraq a grant? The answer to that question is that one of the consequences, ironically, will be that we will make all of the countries which currently have loans to Iraq that much more solvent because we will have, without any request for repayment, made a significant investment in enhancing the economic viability of Iraq and, therefore, the ability of whatever government is placed in ultimate control of Iraq more capable of repaying those loans.

There is a further irony that some of those countries, which are disclosed in the 28 censored pages as having been complicitous with the terrorists, are among the list of those creditors of Iraq that are going to get this indirect economic benefit. I believe the Members of Congress, who are going to be called upon to vote on whether we should grant this indirect benefit to a country that has been less than supportive of our Nation's war on terror, ought to know that before we vote and then find out later the full consequences of what we have done.

So there was an issue as to why these 28 pages should have been released when the report was initially completed in December of 2002. Those issues remain today. And there is the additional issue of whether we are going to inadvertently grant a significant financial benefit to a country that has been to say less than our ally in the war on terror would be a gross understatement.

I commend the Senator from North Dakota for having offered this sense of the Senate. It is a very important issue. I hope this Senate will adopt the sense of the Senate. If not, if the President continues to refuse to allow the American people to have access to this information, then I hope the Congress will be willing to use some of the authorities that it has to declassify information. Because the higher interest is not in placating this administration's unwillingness to be forthcoming on the issue. The higher interest in this democracy is that the people have access to relevant information which is not an issue of national security but which is a significant issue in terms of understanding the consequences of decisions that we have and will soon be making.

I urge adoption of the sense of the Senate and again express my admiration to the Senator from North Dakota for having presented it this afternoon.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, let me make a few additional comments. My colleague from Florida is in a very unique position. Having worked with his colleague from Alabama, Senator GRAHAM and Senator SHELBY provided a great public service as they initiated this inquiry.

The inquiry, as described by my colleague in part, is an evaluation of whether there were other governments that participated in supporting groups of terrorists who committed acts of terror against this country. The answer to that question is very important. My colleague indicates that if such a program were in place or had been in place by another government to support groups of terrorists, what leads us to believe that parts of that program are not continuing to still operate and, therefore, continue to threaten our country?

The very important question with this sense-of-the-Senate resolution is: Should we not have the ability to know, should full disclosure not be the routine rather than the exception? Should the 28 pages that have been withheld from the American people be made available to them so we all are able to evaluate exactly the same set of information?

My conclusion is, yes, absolutely. It ought to be done sooner rather than later.

I have been intending to offer two amendments to this appropriations bill. One dealt with this sense of the Senate which I have just offered. The second dealt with a sense of the Senate with respect to the cooperation that is now being received or lack of cooperation by the 9/11 Commission, the other commission that is headed by former Governor Kean that is looking into 9/11 and the relationship of a series of issues, both prior to 9/11 and following, by our intelligence community and others.

One of my great concerns is reading in the newspapers just in recent days about the 9/11 Commission. This is a blue-ribbon commission. One of our former colleagues, Senator Cleland, is on the Commission. It is a commission that has to finish its work by May of next year. It has a relatively short timeframe. Now we hear that they have had to issue a subpoena to one of the Federal agencies to get them to cooperate giving information to them. There were other stories yesterday and the day before. They are concerned about not getting information from the White House.

We are not going to be satisfied until we have everything we need to do our job. Governor Kean says—he is a former Republican Governor from New Jersey—this is not about politics. It is about a blue-ribbon commission having access to all of the information so it can do its job.

I find it unbelievable that any agency or crevice or any corner of this Government would not open its records and provide full and immediate cooperation with the 9/11 Commission. That is the least we should expect of every single

agency. They have had to subpoena information from the FAA and yet they are not getting information from the White House that they are requesting. Kean said in an interview that he will resume negotiations with the White House this week and hopes to reach a resolution one way or the other on documents the panel is seeking. The Commission has the power to issue subpoenas and Kean says he does not rule out sending one to the White House.

Why should we read this in the papers? I don't understand it. There ought not be any agency, including the White House, that does not fully cooperate in every respect immediately with the request for information from this 9/11 Commission.

We have had two studies, one initiated by the Senate Intelligence Committee. That is the one that was the focus of my first amendment. The second was to have been the focus of the second amendment. Both were sense of the Senate—first, to declassify the information so that the American people will be able to see what was there. Don't censor this material; give the American people information. The second is to say to all Federal agencies, cooperate with the 9/11 Commission fully, completely, and immediately.

Now, my understanding is, having consulted with the majority, they will raise a point of order against the amendment I have offered just moments ago because it is ''legislating on an appropriations bill.'' My second amendment would be the same. They would make a point of order against them, and the point of order would stand, I expect. So when such a point of order is made, I will regret it. I understand those are the rules of the Senate. But on the very next piece of legislation that comes to the floor—and I believe one is coming later this week that is an amendable vehicle and is a nonappropriations bill—we will vote on both of these sense-of-the-Senate amendments.

I might also say that while a point of order will be raised on these, there are sense-of-the-Senate provisions, I believe, in the underlying bill, or sense-of-the-Senate provisions to be added to it. I will not raise similar points of order. My hope is that all Senators will join me in understanding that this is not partisan or political, it is about this country's interests—our interests in preventing future acts of terrorism, our interests in finding out what happened, what went wrong, and how we can improve the intelligence-gathering system in this country. Who did what? Were foreign governments involved? If so, which ones and to what extent? These questions need to be answered. Both of my resolutions are designed to do one thing—provide more information to the American people, No. 1; No. 2, to ask every corner of our Government in every official working of this Government to decide that they will completely, cooperatively, and immediately work with the 9/11 Commission to provide the requested information.

We ought not to have to come to the Senate floor to ask why the White House, the FAA, or this or that agency has not already fully cooperated with the 9/11 Commission. It is in this country's interest to see that happen.

Mr. President, I ask for consideration of my amendment.

Mr. MCCONNELL. Was consent requested, Mr. President? I am sorry, I didn't hear.

Mr. DORGAN. I asked for consideration of my amendment. I ask unanimous consent that we waive points of order and have my amendment be considered.

Mr. MCCONNELL. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCONNELL. Mr. President, in accordance with the precedent of May 17, 2000, I raise a point of order that the amendment is not germane.

The PRESIDING OFFICER. The point of order is sustained. The amendment falls.

Mr. MCCONNELL. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

AMENDMENT NO. 1974

(Purpose: To authorize appropriations for Foreign Relations and for Foreign Assistance, and to authorize Millennium Challenge Assistance)

Mr. LUGAR. Mr. President, I call up amendment No. 1974.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment? Without objection, the pending amendment will be set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR] proposes an amendment numbered 1974.

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

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

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

Mr. LUGAR. Mr. President, I am pleased to offer an amendment that authorizes the spending contained in this appropriations bill. I thank Senator MCCONNELL and Senator LEAHY specifically for the way in which they have worked with me throughout this year on matters pertaining to foreign policy. Our staffs have consulted closely for months, and I believe that our respective legislative efforts have been enhanced greatly by this cooperation.

My amendment is an up-to-date version of S. 925, the foreign affairs authorization bill. It contains all of the amendments included in the S. 925 Senate floor action in July. It is truly a bipartisan product. On those 3 days in July in which we debated the bill, we considered dozens of amendments from both sides of the aisle. The Senate Foreign Relations Committee worked with Members on constructive legislative language to enhance the bill; various components have received unanimous committee support.

I thank almost every Member of this body who has contributed in one way or another to this amendment because the amendments of almost every Member of this body are a part of the product we are considering today. That is why it not only has enormous bipartisan support, it has pride of authorship of virtually every Senator.

In this amendment, the Senate speaks forthrightly on the foreign policy challenges that this appropriations bill addresses by setting forth funding levels for specific programs and projects. This amendment gives voice to the Senate's views on issues touching every continent, from the threats of terrorism and weapons of mass destruction, to the safety of Americans working in our embassies overseas, to the President's proposed Millennium Challenge Account, which is designed to spur economic growth in the poorest countries.

My amendment authorizes appropriations for our diplomats, our foreign aid workers, our Peace Corps volunteers, many of them in harm's way. They are our civilian soldiers in the war on terrorism, and they are engaged in a noble battle against disease, poverty, and humanitarian disasters. American diplomats and aid workers have become targets in most countries and embassies around the world, but there is no shortage of recruits who want to be trained and sent abroad to do America's work.

I thank every member of my committee for their hard work during the authorization process. Members on both sides of the aisle have devoted tens of hours to developing constructive approaches to a number of very difficult foreign policy questions. The Senate Foreign Relations Committee has approached many foreign policy problems in a bipartisan spirit; thus, all of our authorizing legislation in S. 925 passed out of the committee by a vote of 19 to 0.

I thank and commend, once again, the distinguished ranking member of our committee, Senator BIDEN, for his abiding cooperation through this whole lengthy process of this year. Republicans and Democrats reasoned together and made compromises that led to excellent legislation. The members of our committee are united in our belief that the authorization bill contained in this amendment will enhance U.S. national security.

A vote for this amendment is a vote of confidence in the Senate's ability to help shape a world where peace, justice, and prosperity might prevail. This is not an academic exercise. Authorization legislation is important. If we are to have a foreign policy that has the long-term support of the American people, the Congress must be in it on the takeoffs as well as the landings. We should not be satisfied with appropriating funds after American soldiers

are on the ground. Congress must be in on the policy formulations and the fulfillment of U.S. commitments. Our role is to help make the hard decisions, not just to sign the checks after decisions are made.

Extensive hearings in the Senate Foreign Relations Committee have formed this amendment. The Senate needs the authorization process to project its voice on foreign policy and to have an impact on the direction this country takes in the world. I believe this step is especially necessary because we are now trying to accomplish our legislative work in extraordinary and dangerous times. These times demand the Senate do its duty to pass a foreign affairs authorization bill.

Up to this point, we have not done our duty. We are asking a great deal of our diplomats, our military, and the administration; and on a daily basis, Senators of both parties can be heard delivering commentary on the administration's war effort. Our responsibilities as the elected representatives of the people make such commentary relevant and expected.

Even as we perform oversight and function as loyal critics within our Government, we cannot forget we have our own responsibilities in fighting the war on terrorism. If we function merely as critics and commentators without taking the time and effort to authorize the very legislation that pertains to our Nation's security, we are failing in our duties. This simply cannot continue.

After September 11, 2001, we know we need a robust civilian foreign policy capacity in addition to a strong military if we are going to shape a world that embraces democracy, tolerance, open markets, and the rule of law. But we find the State Department is stretched thin. Our public diplomacy is underfunded and unfocused on many occasions. Our foreign assistance faces constant conflicting pressures and we need to play catchup just to make sure Americans are as safe as possible in their embassy workplaces, and Americans who approach those workplaces are as safe as possible.

We have no civilian surge capacity so our soldiers in Afghanistan and Iraq end up doing the nonmilitary tasks that should be done by civilians. Our appropriators have been sensitive to foreign policy needs. They have carried the burden of keeping vital foreign policy programs going, but a few lines in appropriations bills are not sufficient to provide the needed direction and framework and the sustained oversight this body should be paying to our civilian foreign affairs capacity.

This year the foreign affairs authorization bill has had to overcome obstacles that have had little to do with its own merits. This authorizing amendment lays out Senate priorities for foreign affairs spending. I have resisted adding anything to it that was not approved in July in open debate and after the adoption of the dozens of amendments I talked about from virtually most, if not all, Senators on this floor. The bill exists as it emerged from the Senate floor at that time and it puts people first, as well as the safety of Americans who work around the world for us. It places a high priority on programs that help foreign governments cooperate with us in tracking down terrorists. It authorizes additional funds for security upgrades at embassies which we know are among the most threatened U.S. targets in the world. As we saw in Kenya and Tanzania, Americans serving in embassies are on the front line in the war against terrorism.

The amendment authorized an increase in danger pay for the diplomats who serve in high-risk posts. We are in a race to prevent terrorists from acquiring weapons of mass destruction and the authorization of this amendment will increase our capabilities. The amendment authorizes a greater American effort to reach out to the Islamic world. Beyond the war on terrorism, the amendment places a high priority on recognizing the deep reservoir of hope for humanity that resides in the American heart. It authorizes the fulfillment of our humanitarian instincts, including programs for child survival, nutrition and health, famine assistance and the Peace Corps. It authorizes the Millennium Challenge Account, President Bush's new program to invest American development dollars where they are most likely to spur economic growth.

A lot of work has gone into the deliberations on the Millennium Challenge Account and the final product is supported by Republicans and Democrats in the Senate, as well as the President of the United States and the Secretary of State. All of us now support the President's concept for creating a new means of delivering economic assistance to nations that are implementing positive and measurable economic and political reforms. We agree with the President that this and our development assistance programs are important tools in the war on terrorism. They can prevent failed states, improve our relationships with developing countries, and reduce impoverished conditions that are conducive to terrorist recruitment.

The Senate has been diligent this year in moving other foreign policy items. Among the measures we have passed are the global AIDS bill, the Moscow Treaty, NATO expansion, and the Iraq supplemental. The Senate has shown a capacity to act decisively on the Nation's foreign policy business because we recognize that in these perilous times it is our duty to do so. American national security is at risk, and as the leaders entrusted with passing legislation to keep America secure, we should include the authorization for the civilian foreign affairs agencies and their programs among our accomplishments this year.

I ask for adoption of the amendment.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Reserving the right to object, and I apologize because I just arrived on the floor—I am sorry. I thought my distinguished friend, the senior Senator from Indiana, had propounded a unanimous consent request.

Mr. LUGAR. Yes. I am prepared to accept the passage of the amendment by voice vote if it is the pleasure of both managers of the bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, let me say initially that in my experience in the Congress I have learned to recognize the quality of the senior Senator from Indiana. He is a fine man, an outstanding legislator, and his heart is always in the right place.

I understand the importance of the State Department authorization bill. I have understood it for the more than two decades I have been in the Congress. It is important legislation. On this side of the aisle, we understand that and that is why we have worked so hard over the years to try to move forward. As the Senator from Indiana knows, it certainly was not his fault, but we had great difficulty moving the bill previously as a result of one Senator. On this legislation he now wants to make a part of this foreign operations appropriations bill, we have spent 2 days on this bill and during that period of time we had some good debate. We adopted some amendments. But we on this side feel we should move forward as with all legislation and not cut it off. In effect, that is what is happening.

So without belaboring the point more, I raise a point of order that this is legislating on an appropriations bill.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. I move to suspend rule XVI of the standing rules of the Senate during the Senate's consideration of H.R. 2800 in order to offer amendment 1974 to that bill.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I think the question of the two managers of the bills: How much time do we need to spend on this? It is my understanding the issue that has been raised by the Senator from Indiana will take a two-thirds vote to pass the Senate. I am sure there are a few people who wish to speak on this, and I am sure on our side we could arrive at a reasonable period of time prior to a vote.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. I ask the Senator from Indiana how much time he desires before proceeding to a vote?

Mr. LUGAR. I respond to the distinguished Senator that I would like 15 minutes.

Mr. MCCONNELL. Are there any requests for time on the other side?

Mr. LEAHY. Then would the request be a half hour evenly divided? Is that what the Senator is suggesting?

Mr. REID. I think that is totally reasonable, if I could interrupt. We need to check with the ranking member of the Foreign Relations Committee. Senator HARKIN has agreed to take 15 minutes. We don't know of anyone else who wished to speak on it, other than the manager of the bill.

I hope, if we can go into an extremely brief quorum call, we can come up with a time agreement very quickly.

Mr. MCCONNELL. Mr. President, I hope we can move on with this very quickly. I think a brief quorum call is a good idea. I therefore suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. MCCONNELL. Mr. President, I ask that there be 30 minutes of debate, equally divided, on the Lugar amendment, after which we will have a vote on that amendment. Have we had the yeas and nays?

Mr. LEAHY. I ask for the yeas and nays on Lugar—on the motion to waive.

Mr. REID. No, on the motion to suspend.

Mr. LEAHY. On the motion to suspend; I am sorry.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there objection to the request?

Without objection, it is so ordered.

Who yields time?

The Senator from Indiana.

Mr. LUGAR. Mr. President, I yield myself 10 minutes at the outset of this debate.

Mr. President, I regret that objection has been made, although I understand the reasoning of those who have made the objection.

I identified this as the State Department authorization bill, a bill that also included authorization for the money in the challenge account and, for that matter, a good number of other things that, in this particular urgent period of the war on terrorism, attempts to help brave Americans who are serving in our embassies, who are serving in humanitarian ways abroad. I need not remind the Senate that a number of these brave Americans have lost their lives in recent days and weeks. I need not remind the Senate we are at war. This is not an incidental amendment or a last-minute whim of one Senator.

Nor, for that matter, is it a particular desire of our committee—which voted 19 to zero in behalf of some very important principles that support Americans on the civilian side of the war against terrorism—to impose our will upon the Senate. Obviously, we are not in a position to do so. But I pointed out in the days of debate on the amendment that I have offered today, there were tens of amendments offered by many Senators. A majority, I believe, of the body have tried to perfect this bill. It is not a controversial bill. It is, in fact, a statement of the best motivation, the idealism of the Senate. It is our best collective effort to try to meet an imperative in the war against terrorism.

At this point, a point of order has been raised that this is legislation on an appropriations bill. Indeed, it is. I have made a motion to waive that requirement, given what I believe is the gravity and the importance of the lives of the Americans we are trying to serve.

Members may decide that they wish to debate procedure today. And procedure in the Senate and the rules of the Senate are very important. But the rules of the Senate also permit, as one rule of the Senate, the waiver, so that authorization might occur on an appropriations bill.

Some Senators have approached me and indicated they think there is a lot of merit in the bill. As a matter of fact, some of their own work is in this bill, in this amendment I am offering. Yet at the same time, they are reluctant to vote for my waiver on this occasion, my desire to set aside rule XVI, because they believe there are, after all, many considerations the Senate might be taking up today. There is a broad gamut of domestic issues, for that matter, discussions of foreign policy—various ideas that might come to Senators that might be quite welcome to our national debate.

I do ask for consideration of the whole package of the ideas, authorizations, and support that my amendment provides the Senate today because I believe it is important to our country. I believe it is important, as a statement of who we are, that we are doing business. We might make a statement, when we have this vote, that we are prepared, really, not to do business, but in our own internal difficulties we are prepared to frustrate each other at almost every pass.

We enjoy the fact that, as a Senate, we are fairly evenly divided. Yet I pointed out on this particular bill we are not divided. So there almost has to be a very peculiar twist, it seems to me, that finds this debate whether or not we should authorize the State Department Millennial Challenge.

Beyond that, there has been perhaps a debate in the Senate throughout the year. It is an important one. It is important to be resolved constructively. There may be some Senators who would say that, by and large, it is probably useful to have authorization bills but some Senators almost in the next breath will say it is not very necessary. In other words, if in fact programs are not thought through and they are not fleshed out and there are not formats for them that, by and large, somehow we get along year by year appropriating money and adding some verbiage that gives a hint that someone authorized these expenditures along the way as well as appropriated them.

We found in July when Senator BIDEN and I were attempting to manage this bill that there were a lot of Senators who were in favor of what we were doing but some Senators said we have not really had our day on the floor; we have really not had a chance to offer our agenda; the reason we couldn't was because the format of the Senate always seemed to be taking up appropriations bills; and rule XVI says you cannot have authorization of general legislation. Therefore, we were cut out from any consideration of objectives which we thought were very important. As a result, we came along with an authorization bill and Senators said finally we have an authorization bill. This offers us the opportunity to pile in everything that we have.

The Senators who argued against that point of view said, no, that really wasn't what the debate on foreign policy was about. But the opposition to that was simply we understand that, but we have not had our chance and we don't see that we are going to have our chance. We don't see another authorization bill coming along the pike. Therefore, although yours will somehow disappear in the midst of all of these other discussions, that has happened for years. Very seldom do we pass authorization bills, and in the case of foreign relations, as a matter of fact, not many for many, many years.

As a result, our staff found as we approached the State Department and foreign assistance and what have you that this year there was a need for cleanup of a lot of our case activity, and we hope to do some more of that work next year. One reason for that is if you do not have authorization bills and force things to happen, no one really examines legislative language. There are a whole series of bureaucracies and responsibilities from year to year. No one pays attention and, legislatively, no one cares.

Let me say we do care. In fact, a large majority of Senators care about the content of this legislation. I believe it is very important on this occasion that my proposal to lay aside rule XVI should be adopted, and that will be our goal. I encourage an ''aye'' vote not only on the rule XVI waiver but a vote on behalf of brave Americans who this amendment supports and serves and remembers.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, how much time remains to each side?

The PRESIDING OFFICER. There are 15 minutes in opposition, and 6 minutes for the proponents.

Mr. LEAHY. Obviously, if the distinguished Senator from Indiana needs more time, I would not object to a unanimous consent request from him.

Does the Senator from Iowa wish time?

Mr. HARKIN. I have an amendment but I am not seeking time on this amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LEAHY. Mr. President, time is running. I ask unanimous consent that the time under the quorum call not be charged against the side of the distinguished Senator from Indiana.

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

Mr. LEAHY. Mr. President, that leaves us how much time on each side?

The PRESIDING OFFICER. The opponents have 11 minutes 12 seconds, and the proponents have 6 minutes 12 seconds.

Mr. LEAHY. Mr. President, I don't know if we have people coming to speak. If no one does, I will soon yield back the time so we can vote. I urge, as Senator MCCONNELL has and as the leaders have, those who have amendments on which they seek votes to come to the floor and offer their amendments. I know that the intent of Senator MCCONNELL and myself is if there are no other amendments waiting to be disposed of or pending, we plan to go to third reading. Going to the third reading could be in a matter of the next couple of hours at that pace.

Some Senators have said they had a number of amendments. At such point that there are no amendments pending, it is our intention to go to third reading.

I suggest the absence of a quorum and ask unanimous consent that the time be charged to my side.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LEAHY. Mr. President, I note the senior Senator from Massachusetts has arrived. I ask the Chair how much time is remaining.

The PRESIDING OFFICER. Those in opposition have 9 minutes and 12 seconds.

Mr. KENNEDY. I appreciate it. I will be prepared to address the Senate in a minute. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. KENNEDY. Mr. President, as I understand, the amendment before the Senate is the State Department reauthorization legislation. I commend the Senator from Indiana and the Senator from Delaware for fashioning the reauthorization. It has not been done for a number of years, and I am very strong in support of that proposal. If the amendment of the Senator from Indiana is effective, we will lose the opportunity to have at least considered one of the very important amendments to the State Department reauthorization which dealt with hate crimes. I think it is entirely appropriate we have an opportunity to address the hate crimes issue on the State Department reauthorization because the State Department reauthorization obviously is dealing with foreign policy issues, and the origin of hate crimes is domestic terrorism. We have seen in recent times the growth of hate crimes in the United States. It is of significant importance. Hate crimes are not just crimes against an individual; they are crimes against a group in our society. They do not just do damage to an individual; they do something to our whole sense of community. That is why they are so treacherous. That is why they are so heinous. That is why they are so wrong.

We have seen the hate crimes that have taken place on the basis of race, and on the basis gender, and the basis of sexual orientation. Particularly the time of the tragic circumstances surrounding the death of Matthew Shephard, whose death in Wyoming was tragic. He had studied overseas and was fluent in Arabic and German before joining the Federal service.

Mr. President, crimes motivated by hate because of the victim's race, religion, sex, ethnic background, and disability are not confined to geographical boundaries of our great Nation. The current conflicts in the Middle East, the ethnic cleansing campaigns in Bosnia, Rwanda or the Holocaust itself demonstrate that violence motivated by hate is a worldwide danger. We have a special responsibility to combat it here at home.

Since the September 11th attacks, we have seen a shameful increase in the number of hate crimes committed against Muslim Americans, Sikh Americans, and Americans of Middle Eastern descent. Congress has done much to respond to the vicious attacks on September 11. We authorized the use of force against terrorists and those who harbor them in other lands. We have enacted legislation to provide aid to victims and their families, to strengthen airport security, to improve security of our borders, to strengthen our defenses against bioterrorism, and to give law enforcement and intelligence officers enhanced powers to investigate and prevent terrorism. But the one thing we have not done is to try to deal with the hate crimes issue.

We are prepared to vote on that. We are interested in half an hour time limitation, but we are told people have holds on that legislation. Members will refuse to let the Senate consider this legislation. I have indicated to the Senator from Indiana that I am prepared to permit and support the State Department reauthorization, but at least give us some opportunity to vote on hate crimes as a clean bill with a short time limit. We will take next week or the week after. We will even take a date in January or February of next year, but give us an opportunity to vote on hate crimes. The other side says no—not the Senator from Indiana—but the other side says no. So we are in a situation that says, well, let's circumvent or at least use the rules in such a way that will say we have two-thirds of the Senate that will permit him to use this reauthorization and effectively deny the Senate the opportunity to address the hate crimes issue. I don't fault the Senator from Indiana, but if this goes on, I am going to be there on the next amendment offering the hate crimes bill. Make no mistake about it. Make no mistake about it. We will have the opportunity and the time to take this up.

I might mention there are some other issues as well, including the issue of the minimum wage. Here we just increased our own salaries by $3,400 and we have not been given an opportunity to increase the minimum wage by 75 cents an hour for 2 years. We are denied that opportunity. We are excluded from that. We had that as an amendment to the State Department authorization and we were told we cannot have an hour to debate that.

Meanwhile, we see what is happening to the people at the lowest end of the economic ladder, primarily women.

Regarding the minimum wage, it is a women's issue because a majority of those receiving the minimum wage are women. It is a children's issue because one-third of the women who receive the minimum wage have children. It is a civil rights issue because a disproportionate number of the men and women who receive the minimum wage are men and women of color. And it is a fairness issue. In this country of ours, people who work 40 hours a week, 52 weeks, ought to have a living wage. But we are denied that opportunity. What is it about our Republican friends that they refuse to permit the Senate to go on record on these issues?

Now we are asked, let's have an exception. If we have an exception to this, we should face up to minimum wage, to hate crimes, and other issues. Fair is fair. I am for this legislation. It is up to the majority to set the agenda and give us an opportunity to vote on these issues and not deny a vote in the

Senate in terms of hate crimes and minimum wage. They say no, no way, you are not going to get your opportunity.

I hope this amendment will not be accepted. I hope we can work this out with the majority leader. We have tried, we have tried, we have tried, and we have tried, but to no avail. Since it is of no avail and we do not have cooperation, there will be no alternative for me other than to offer the amendment.

I withhold the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Indiana.

Mr. LUGAR. Mr. President, I yield myself the remainder of the time.

Let me respond as thoughtfully and calmly as I can because the distinguished Senator from Massachusetts has indicated he has been a very strong friend of American diplomacy, of our diplomats abroad, of those who are at risk presently in the war against terror. I appreciate that. I have visited with him about ways in which we could have an authorization bill for the State Department, the millennium challenge, and the other issues that were in this comprehensive Senate bill, S. 925, originally, as amended by so many Senators. The Senator's statement illustrates precisely the problem on which Senators must now vote.

That is, simply, if we are to have an authorization bill this year for the State Department, this is the opportunity. We had an opportunity in July. The distinguished Senator from Massachusetts points out correctly that he and other distinguished Senators had a number of issues that they believed were important. Hate crimes and the minimum wage are two of them. And there were additional ideas that Senators wanted to present. They made the point at that time that they believed that on our side of the aisle, they had not been given an opportunity to forward their agenda, to have a time certain for clean bills.

Therefore, although in some cases they said, we regret the fact that the State Department authorization bill is likely now to be withdrawn and not to happen, essentially it hasn't happened for many years. As a matter of fact, very few authorization bills were happening. The only reason, I gather, that hate crimes and unemployment compensation came up in July was a belief on the part of proponents of those ideas that they had no other authorization bill on which to have a debate or to attach their amendments, that the appropriations procedure we are under today precluded all of that.

I ask that even those who are strong proponents of legislation dealing with the minimum wage and hate crimes support the authorization of legislation that helps civilian Americans who are at risk in the war against terror now. That is an important objective. It has not been my purpose to try to frustrate the aims of any Senator but, rather, simply on behalf of a committee that voted 19 to zero and on behalf of a Senate that approved tens of constructive amendments, to try to forward that work product while there is still an opportunity this year.

This is the moment in which Senators must make that sort of decision. Some may wish to make it on the basis of procedure or the basis of how the two parties get along with each other in the Senate. But I would plead with Senators that this is important by itself. It is an important, relevant vote for American security and American good governance.

I believe the American people respect this effort. They want us to do this. They want Senators to vote aye, even though some may say this is at least an opportunity to make points on other discussions at the expense of the totality of all of it ending up in failure.

I appreciate very much the cooperation of the managers of the bill. I thank, once again, my distinguished ranking member, Joe Biden, who has served our committee well as chairman and as a member for three decades, for all of the constructive work. I thank especially the members of the staffs on both sides of the aisle who have diligently devoted hundreds of hours of constructive work trying to reform aspects of the State Department, a bureaucracy of our Government that had not been observed and touched for a long time and which this bill, an authorization bill, has really the unique capacity to do.

For all these reasons, I ask that Senators vote aye and that we have an opportunity for this legislation to proceed.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts has 20 seconds.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the hate crimes bill be considered as original text before March 15 on the floor of the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. LUGAR. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. KENNEDY. I make a similar request in terms of the minimum wage before March 15 of next year.

The PRESIDING OFFICER. Is there objection?

Mr. LUGAR. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. KENNEDY. I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Indiana has 1 minute 15 seconds remaining.

Mr. LUGAR. Mr. President, let me just say, in view of the two proposals made by the distinguished Senator from Massachusetts, I offered objection on both of these counts because I am the only Republican Senator in the Chamber. On behalf of the leadership of our party, that was my duty, given the fact that our party had not had an opportunity to consider those proposals.

I would just say, personally, I am hopeful that consideration will be given to the Senator from Massachusetts and to all Senators for proposals that are constructive. Those two have a lot of constructive emphasis, and it may well be that before March 15, the Senate will be able to entertain those motions. I hope the Senator understands my objection today. That is why I stated it as a part of this conclusion.

Once again, I am hopeful that Senators will vote constructively in favor of the foreign relations bill.

I thank the Chair. I yield back my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the motion to suspend rule XVI with regard to amendment No. 1974.

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

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), 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 ''nay.''

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

The yeas and nays resulted—yeas 40, nays 57, as follows:

[Rollcall Vote No. 413 Leg.]

YEAS—40

Alexander	Craig	Kyl
Allen	Crapo	Lott
Bayh	DeWine	Lugar
Biden	Dole	McCain
Bond	Domenici	Murkowski
Brownback	Enzi	Smith
Bunning	Feingold	Snowe
Burns	Fitzgerald	Sununu
Campbell	Grassley	Talent
Carper	Hagel	Thomas
Chafee	Hatch	Voinovich
Coleman	Hutchison	Warner
Collins	Inhofe	
Cornyn	Jeffords	

NAYS—57

Akaka	Ensign	Miller
Allard	Feinstein	Murray
Baucus	Frist	Nelson (FL)
Bennett	Graham (FL)	Nelson (NE)
Bingaman	Graham (SC)	Nickles
Boxer	Gregg	Pryor
Breaux	Harkin	Reed
Byrd	Hollings	Reid
Cantwell	Inouye	Roberts
Chambliss	Johnson	Rockefeller
Clinton	Kennedy	Santorum
Cochran	Kohl	Sarbanes
Conrad	Landrieu	Schumer
Corzine	Lautenberg	Sessions
Daschle	Leahy	Shelby
Dayton	Levin	Specter
Dodd	Lincoln	Stabenow
Dorgan	McConnell	Stevens
Durbin	Mikulski	Wyden

NOT VOTING—3

Edwards	Kerry	Lieberman

The PRESIDING OFFICER. On this vote, the yeas are 40, the nays are 57. Two-thirds of the Senators voting not

having voted in the affirmative, the motion to suspend rule XVI pursuant to notice previously given in writing is rejected. The point of order is sustained and the amendment falls.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I am shortly going to bring up an amendment on UNFPA. I know the distinguished Senator from Iowa was here waiting.

Mr. MCCONNELL. Will my friend from Vermont yield, just for an observation? The Senator from Colorado is here. He has an amendment which I believe is acceptable. I wonder if we could go ahead and process that.

Mr. LEAHY. Mr. President, obviously I will follow the lead of my friend from Kentucky. If the Senator from Colorado has one that is going to be accepted, let's do that. I ask we do that and then go to the Senator from Iowa. I hope he would accept a time agreement just so we can get moving because, as I stated earlier, certainly on my side, once there are no amendments pending, I am ready to go to third reading.

Mr. MCCONNELL. We are looking at the amendment of the Senator from Iowa and hope to get back to him shortly as to whether we can support it. In the meantime, if it is all right with my colleagues—

Mr. REID. Will the Senator yield just for a brief question?

Mr. MCCONNELL. Yes.

Mr. REID. Mr. President, Senator BYRD is on a very important appropriations conference committee. He is going to recess tonight at 6 o'clock. Senator BYRD cannot be here until 6 o'clock. On his amendment he would like to speak for 20 minutes.

Senator LANDRIEU, as I have said before, has an amendment she wishes to offer. She said she could speak for 15 minutes on her side on that.

Senator HARKIN has an amendment. If that cannot be worked out, he wants 15 or 20 minutes. And there, of course, are a couple of other things that need to be resolved. I just indicate that everyone on our side, as Senator LEAHY has announced, should come over and start offering these amendments because I have been told by the two leaders they want to finish this bill tonight. If that is the case, the way things are moving here—which is not very fast—it would be a long night. So I hope they would come over and offer these amendments on both sides.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I certainly agree with my friend from Nevada. The idea is to finish tonight. In order to facilitate that, we have a Senator on the floor ready to offer an amendment. I suggest the Senator from Colorado be allowed to send his amendment forward, say a few words on its behalf, and let's adopt it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 1995, AS MODIFIED

Mr. ALLARD. Mr. President, I thank the Senator from Kentucky for allowing me to offer this amendment at this time.

There is an amendment I have at the desk, No. 1995. I understand I have the right to modify that. I send the modification to the desk.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. ALLARD] proposes an amendment numbered 1995, as modified.

Mr. ALLARD. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To limit international military education and training funds from being made available for Indonesia)

On page 147, between lines 6 and 7, insert the following new section:

LIMITATION ON THE PROVISION OF IMET FUNDS TO INDONESIA

Sec. 692. (a) Subject to subsection (c), no funds appropriated by title IV of this Act, under the subheading ''INTERNATIONAL MILITARY EDUCATION AND TRAINING'' under the heading ''FUNDS APPROPRIATED TO THE PRESIDENT'' shall be made available for military education and training for Indonesia.

(b) Nothing in this section shall prohibit the United States Government from continuing to conduct programs or training with the Indonesian Armed Forces, including counter-terrorism training, officer visits, port visits, or educational exchanges that are being conducted on the date of the enactment of this Act.

(c) The President may waive the application of subsection (a) if the President—

(1) determines that the national interests of the United States justify such a waiver; and

(2) submits notice of such a waiver and a justification for such a waiver to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives in accordance with the regular notification procedures of such Committees.

Mr. ALLARD. Mr. President, this amendment, co-sponsored by Senator Gordon Smith, would prohibit International Military Education Training funds for Indonesia. It also gives the President the authority to waive this prohibition for national security reasons. Let me explain why it is important for the Senate to consider and approve this amendment.

Nearly 15 months ago on August 31, 2002, 10 Americans living in Indonesia were brutally attacked less than 6 miles from their homes. Hundreds of rounds of ammunition were fired at them for 45 minutes, leaving two Americans dead and most of the other survivors nursing multiple bullet wounds.

I have had the opportunity to meet with one of the survivors of this horrible tragedy, Mrs. Patsy Spiers, who, along with her husband Rick, was shot multiple times. While Patsy was fortunate enough to survive this ordeal, her husband was not. In January, Mrs. Spiers was brave enough to sit down with me and walk through her painful experience. The next day I contacted President Bush urging him to press the Indonesian government to conduct a comprehensive investigation into the attack.

Immediately after the ambush, an investigation into the ambush was conducted by the Indonesian civil police. The police report implicated the Indonesian military in the attack, but indicated that further investigation into the ambush needed to be done. Shortly after the police report was filed, the Indonesian military exonerated themselves from the attack.

Only after diplomatic pressure from the United States did the Indonesian government decide to continue the investigation into the ambush. The Indonesian government also promised to permit the full participation of the FBI. Despite visiting the country multiple times, the FBI has not received the cooperation it needs to determine who was responsible for these brutal murders.

At this juncture, there are indications that Indonesian military may have had some involvement in this attack. Yet, despite these continued allegations and lack of cooperation, the Indonesian government and its military still receives U.S. assistance through the International Military Education Training fund. I believe that until a full and open investigation has been completed and those responsible are prosecuted, IMET funding for the Indonesians should be denied.

Since my face-to-face meeting with Mrs. Spiers, I have continued to work with the administration, FBI investigators, and colleagues here in the Senate with two distinct goals in mind. The first is to deny the release of funds until the Indonesians have completed the investigation into these murders. The second goal is to ensure that an impartial investigation, with help from the FBI, is conducted into the brutal attack so that those responsible will be brought to justice.

In no way should the United States government provide military assistance to Indonesia until this matter is resolved. What kind of message will we be sending to other governments if we provide this assistance without first determining who was responsible? Just as important, what kind of message do we send to the families of Ted Burgon and Rick Spiers who were murdered in the ambush if we continue this military assistance. Are not the lives of American citizens more important than this military assistance?

I fear that by our inaction we send the wrong message to the world. What kind of precedent will be set for other Americans who travel overseas? We cannot allow the murder of our citizens to be ignored and the Indonesian government should not let those responsible go unpunished.

I appreciate the efforts by the manager of this bill and his staff for their assistance on this amendment. It is my

hope that we can quickly resolve any concerns with my amendment so it can be accepted. These American families deserve a resolution and justice.

I look forward to working with the chairman and ranking member on getting agreement on my amendment.

I need to get the attention of the floor manager, the Senator from Kentucky, if I might.

Mr. LEAHY. Mr. President, if the Senator will yield, I think there may be a Senator on this side who has a question. We are not quite prepared to accept it yet. I suggest that a way to handle this is to set it aside. Of course, it can be brought back at any time. If there is a need to have more debate and a vote, we will bring it up for that purpose.

I yield the floor.

Mr. MCCONNELL. Mr. President, I apologize to the Senator from Colorado. I misspoke earlier when I thought it was cleared on the other side. We are working on that now. Hopefully, we will be able to get it cleared. If the Senator from Colorado will agree to temporarily set it aside and go back to it before we finish the bill, we hope to get it cleared.

Mr. ALLARD. Mr. President, I appreciate the Senator from Kentucky and the Senator from Vermont working on this most important amendment.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Ms. LANDRIEU. Mr. President, I send an amendment to the desk——

Mr. REID. Mr. President, Senator BYRD already has an amendment pending and he is here to speak on it. We have been waiting for him. His amendment is already here.

Ms. LANDRIEU. Mr. President, I ask the Senator if he wouldn't mind if I presented this for 5 minutes. That is all the time I need.

Mr. BYRD. I have no objection to that.

Ms. LANDRIEU. I thank the Senator.

Mr. BYRD. What does this mean with respect to the amendment I have pending, which is being set aside by unanimous consent?

Mr. MCCONNELL. Mr. President, it is our hope that after the Senator from West Virginia speaks—and I have maybe 5 minutes or so to oppose the amendment—we vote.

Mr. REID. I say to my friend from Kentucky that Senator BYRD is here. I hope that before we dispose, with a recorded vote, of the Landrieu amendment, we will allow Senator BYRD to speak and, if necessary, we can have two votes in succession.

Mr. MCCONNELL. We are certainly prepared to vote on the Byrd amendment. I will have to get back to the Senator from Louisiana on her amendment. I have no problem if she would like to explain it and send it to the desk.

Mr. REID. Mr. President, I ask unanimous consent that the pending amendment be set aside for Senator LANDRIEU to offer her amendment; that following the offering and her statement, Senator BYRD obtain the floor and be allowed to make a statement. He indicated he would take approximately 20 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Reserving the right to object—and I shall not—when would the vote on the Byrd amendment occur?

Mr. MCCONNELL. Mr. President, if it is agreeable with the other side, it is my expectation that, after 5 minutes or less to oppose the Byrd amendment, we will move to a vote.

Mr. REID. That would be appropriate with us on this side.

Mr. BYRD. The vote on the Byrd amendment would occur, and after how many minutes can we vote on the amendment by the Senator from Louisiana?

Mr. REID. The majority has not seen that amendment. They don't know what they are going to do with it or whether we can have a vote.

Mr. MCCONNELL. The Senator from Nevada is correct.

Ms. LANDRIEU. I thank the Senator.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

AMENDMENT NO. 1998

Ms. LANDRIEU. Mr. President, I thank the Senator for his courtesy because he was involved in a very important conference earlier today and he is anxious to proceed on his amendment.

I will offer this amendment in the hope that my friends on the other side will support it. There is very good support on this side for this amendment. It has to do with women and children in armed conflict.

I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 1998.

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

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

The amendment is as follows:

(Purpose: To ensure that women and children have access to basic protection and assistance services in complex humanitarian emergencies)

On page 147, between lines 6 and 7, insert the following new section:

SEC. 692. (a) None of the funds made available by title II under the heading ''INTERNATIONAL DISASTER ASSISTANCE'', ''TRANSITION INITIATIVES'', ''MIGRATION AND REFUGEE ASSISTANCE'', or ''UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND'' or made available for such accounts by any other provision of law for fiscal year 2004 to provide assistance to refugees or internally displaced persons may be provided to an organization that has failed to adopt a code of conduct consistent with the Inter-Agency Standing Committee Task Force on Protection From Sexual Exploitation and Abuse in Humanitarian Crises six core principles for the protection of beneficiaries of humanitarian assistance.

(b) In administering the amounts made available for the accounts described in subsection (a), the Secretary of State and Administrator of the United States Agency for International Development shall incorporate specific policies and programs for the purpose of identifying specific needs of, and particular threats to, women and children at the various stages of a complex humanitarian emergency, especially at the onset of such emergency.

(c) Not later than 90 days after the date of enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report on activities of the Government of the United States to protect women and children affected by a complex humanitarian emergency. The report shall include—

(1) an assessment of the specific protection needs of women and children at the various stages of a complex humanitarian emergency;

(2) a description of which agencies and offices of the United States Government are responsible for addressing each aspect of such needs and threats; and

(3) guidelines and recommendations for improving United States and international systems for the protection of women and children during a complex humanitarian emergency.

(d) In this section, the term ''complex humanitarian emergency'' means a situation that—

(A) occurs outside the United States and results in a significant number of—

(i) refugees;

(ii) internally displaced persons; or

(iii) other civilians requiring basic humanitarian assistance on an urgent basis; and

(B) is caused by one or more situations including—

(i) armed conflict;

(ii) natural disaster;

(iii) significant food shortage; or

(iv) state-sponsored harassment or persecution.

Ms. LANDRIEU. Mr. President, recent reports indicate that the percentage of civilians killed and wounded as a result of armed conflict has risen from 5 percent at the turn of the century to almost 90 percent today, which means that in war it is not just the soldiers who are being killed, the men and women in uniform, but also civilians. That is a new occurrence in this century. It is something that this amendment attempts to address by directing our resources—not adding money, not authorizing new language, but simply directing, within the context of this bill, some attention to be given to this fact.

War is not what it used to be. Its horrors are experienced by more than just the soldiers fighting on far-off battlefields. It is experienced by women and children. It is taking a brutal toll on

these civilians, most of them women and children.

Over 30 wars are now being waged around the world. One in four of the world's children live in war zones.

In the past decade, more than 2 million children were killed during wartime, more than 4 million were wounded, and 1 million have been orphaned or separated from their families as a result of war.

It is estimated that over 300,000 children have been forced to serve as soldiers. These are children as young as 7, 8, and 9 years old serving as soldiers, including an alarming number of girls serving as combatants, cooks, and, unfortunately, sex slaves.

In Sierra Leone, 94 percent of displaced families surveyed had experienced sexual assaults, including rape, torture, and sexual slavery.

After the genocide in Rwanda, 70 percent of the remaining population was female and more than half of the mothers were widows.

Despite these statistics, a survey of current Government-sponsored foreign aid programs reveals that there are but a few coordinated programs targeted at the protection of women and children in conflict and after.

Senator BIDEN and I offered legislation to address the shortfall. S. 1001 would authorize the new women and children armed conflict fund, similar to the displaced children's fund. In addition, it would require several other efforts to be undertaken by our Government to make sure that this issue was addressed appropriately. It would require that the U.S. Government develop and implement a strategy to ensure that its humanitarian programs respond to and reduce the risks of exploitation, violence and abuse of women and children in places like Uganda, Liberia, and Iraq; prevent future crises by creating a list of early warning signs to alert policymakers of possible risks to women and children; foster stability in conflict-prone environments by focusing on reducing threats to innocent civilians in crises around the world.

What my amendment does is provide a bridge for us to stand on until this bill can be passed and this fund can be established. It says: Here is what we can do not, within our existing programs with our existing funds.

The Landrieu amendment ensures that organizations and programs currently serving refugees and displaced persons incorporate protections against violence; encourages the Secretary of State and Administrator of USAID to incorporate into their current agenda specific policies and programs that identify the specific needs of, and particular threats to, women and children; asks for the Secretary to report to Congress on their progress in this area to date and provide recommendations for improving U.S. and international systems for the protection of women and children.

Protecting women and children is not only the right thing to do, but it is also the smart thing to do. Women are a critical part of rebuilding war torn countries.

In March 2003, UN Secretary General Kofi Annan made the following observation:

> Study after study has shown that there is no effective development strategy in which women do not play a central role. When women are fully involved, the benefits can be seen immediately: families are healthier and better fed; their income, savings and reinvestment go up. And what is true of families is also true of communities and, in the long run, of whole countries.

A focus on safety and protection directly impacts the overall well being of women and children. This year's Mothers Index, published by Save the Children, reports that there is a direct correlation between under education and poor health and conflict. Seven of the bottom ten countries in the area of health and education are in conflict and post-conflict situations.

This amendment does not call for us to break the budget caps or create a new program. It merely ensures that every dollar that we are spending to secure the peace is spent in the most effective way possible.

Again, this amendment provides a bridge for us to stand on until the bill I just described can be passed in its complete authorized form. So this fund can be established, and then the authorizing bill would come forward with more of the details.

But it is important that we take this step today to recognize the fact that there are so many women and children brutalized in war. It is not just about the soldiers in uniform any longer, unfortunately. This amendment asks the Secretary to report to Congress on their progress in this area, and it encourages the Secretary of State and the Administrator of USAID to incorporate into their current agenda specific policies and programs that identify the specific needs of and particular threats to women and children.

In conclusion, I submit that study after study has shown the necessity of our effort to direct funds in this way.

I ask unanimous consent that specific quotes from individual young women and girls, particularly, be printed in the RECORD. The language is pretty graphic so I will not read it in the Chamber, but I want it printed in the RECORD to say how serious this issue is in terms of the United States and all of the aid we are giving, and directing a portion of that, and to be cognizant of the tremendous torture, humiliation, and pain inflicted upon innocent women and children.

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

PROTECTION FROM SEXUAL VIOLENCE AND PHYSICAL HARM

''From Pweto down near the Zambian border right up to Aru on the Sudan/Uganda border, it's a black hole where no one is safe and where no outsider goes. Women take a risk when they go out to the fields or on a road to a market. Any day they can be stripped naked, humiliated and raped in public. Many, many people no longer sleep at home, though sleeping in the bush is equally unsafe. Every night there is another village attacked, burned and emptied. It could be any group, no one knows, but always they take the women and girls away.''—United Nations official in Democratic Republic of the Congo.

PROTECTION FROM TRAFFICKING AND PROSTITUTION

''My mother died when I was very small and my father worked as a laborer on other people's farms. At the age of 16, I was lured by my neighbor into a good job. Feeling the pressure and hard times faced by my family and myself, I was very pleased to receive this opportunity. I didn't realize that my faith would land me into the brothel of Bombay. I spent the hell of my life for one year there. Then I was sold to a brothel in Calcutta. I spent three-and-a-half hears there, and it was more bitter than ever. I'm happy that I was rescued, but now I've started thinking who will rescue all those Nepalese who are still in the brothels in many parts of India? I'm worried for those sisters and request the stop of such evil practices in the society.''—Sita, 23-year-old former prostitute from Nepal

''I was eleven when the rebels attacked our town in Liberia. I got separated from my parents and was captured. I stayed with the rebels for four years. Seven men raped me at the same time and I was forced to pick up arms. I have one child of the rebels—I don't know exactly which one the father is. I escaped and went to Guinea. I had no caretaker and started to work as a 'hotel girl' (prostitute). I thank Save the Children protection workers for having identified me and offering me skill training.''—Florence, 18-year-old girl living in a refugee camp in Guinea

PROTECTION OF CHILDREN FROM MILITARY RECRUITMENT

''I've seen people's hands get cut off, a 10-year-old girl raped and then die, and many men and women burned alive. So many times I just cried inside, because I didn't dare cry out loud.''—Mariama, 14-year-old girl soldier from Sierra Leone

''During the fighting, you don't have time to think. Only shoot. If a bad person gives an order, you have to follow it. If he says burn the village, you have to burn it. If he says kill a person, you have to do it.''—Aung, boy soldier from Myanmar, abducted from school at age 14 and forced into the army

PROTECTION FROM PSYCHOLOGICAL TRAUMA

''We were living in a small village in Port Loko district when the rebels attacked us in 1998. It was daytime and we tried to run away, but I was unfortunate and was captured. I was holding my 2-year-old baby boy. First they killed him with an axe. I cried out: 'Where is my baby, oh my baby.' So they struck me on the head with a machete. There is a deep scar there. After that they ordered me to put my hand on a stick which was on the ground. They chopped and nearly severed my right hand. Then they ran away and left me. My hand hadn't completely severed so the doctor in the next town cut it off. It's hard to find someone who will marry you when your hand has been cut off.''—Adamasay, 16-year-old girl from Sierra Leone

PROTECTION FROM FAMILY SEPARATION

''When I lived in Palangkaraya, every day I helped my Dad and Mum sell chicken. When I had to run it felt as if my feet weren't even touching the ground. I followed the other people running, and I wasn't even thinking about where my parents were. The news that my parents were dead, victims of

the violence, came from my aunt who was still in Palangkaraya. It's true I cried, I wanted to scream but I tried to be firm and I entrusted my fate to Allah. Now I have to find my own food. I was happy when my parents were still here. There was no need to think about how to eat. If I could go to school again and follow through the exams and gain a diploma, that would be great.''—Rosi, 15-year-old street boy from Indonesia

PROTECTION OF DISPLACED WOMEN AND CHILDREN IN CAMP SETTINGS

''When ma asked me to go down to the stream to wash plates, a peacekeeper asked me to take my clothes off so that he can take picture. When I asked him to give me money he told me, no money for children, only biscuit.''—Refugee child in West Africa

Ms. LANDRIEU. That is the essence of my amendment. I hope it can be accepted. I hope there won't be a necessity for a vote on such a commonsense and much-needed amendment. I ask for the Senate's consideration at the appropriate time.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I ask unanimous consent that Senator JEFFORDS and Senator CORZINE be added as cosponsors to Byrd amendment No. 1969.

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

Mr. BYRD. Mr. President, is my amendment pending before the Senate?

The PRESIDING OFFICER. It is not yet pending, but if the Senator calls for the regular order it will be.

Mr. BYRD. Mr. President, I thank the Chair. I call for the regular order.

The PRESIDING OFFICER. Regular order has been called for. The amendment is now pending.

AMENDMENT NO. 1969

Mr. BYRD. Does that amendment need to be stated?

The PRESIDING OFFICER. That is not necessary.

Mr. BYRD. Mr. President, I ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes amendment numbered 1969. At the appropriate place add the following: Section (a) None of the funds made available by this Act or any other Act may be used by the Coalition Provisional Authority (CPA) unless the Administrator of the Coalition Provisional Authority is an officer of the United States Government appointed by the President by and with the advice and consent of the Senate. (b) This provision shall be effective March 1, 2004.

Mr. BYRD. Mr. President, I thank the Chair and I thank the clerk.

I suggest my statement in support of this amendment be entitled ''Too Much Money, Too Little Accountability.'' That would be an appropriate title if I were to suggest it.

This is an amendment about accountability. This is an amendment to ensure that those administration officials charged with spending taxpayer funds are held accountable to the American people and to their representatives in the Congress.

To date, the Coalition Provisional Authority, CPA, has not been held accountable for the money it spends, and that is your money. That is your money, I say to the taxpayers of this great country. Those who spend it should be held accountable. That is what you believe, I am sure.

Not until the President requested $20 billion in reconstruction aid for Iraq did the CPA make any effort to inform the Congress and the public about the administration's reconstruction plans. Let me say that again. This is an amendment about accountability. This is an amendment to ensure that those administration officials charged with spending taxpayer funds are held accountable to the American people and to their representatives in the Congress.

To date, the Coalition Provisional Authority has not been held accountable for the money it spends—your money. Not until the President requested $20 billion in reconstruction aid for Iraq did the CPA make any effort to inform the Congress and the public about the administration's reconstruction plans.

The CPA's access to nonappropriated funds—now get this—has allowed it to maintain a low profile, so low that one cannot see it, and to operate largely outside the scope of congressional oversight.

Last fiscal year, the CPA, the Coalition Provisional Authority, in Iraq spent $1.7 billion in assets frozen under the Saddam Hussein regime. The CPA spent almost $1 billion in assets seized after the war. That is your money. The CPA spent $2.5 billion in oil revenues collected through the United Nations Food for Oil Program. Altogether, it spent $7.5 billion in the fiscal year 2003, including $2.5 billion appropriated in the supplemental that was passed and enacted by Congress in April of this year.

This CPA did not appear before the Congress even once to explain how those funds would be spent. This year, assuming that the Congress appropriates the $20 billion in reconstruction aid requested by the President, the CPA's budget will grow to $23 billion, which includes $2 billion in unappropriated funds left over from last fiscal year and almost $1 billion included in the supplemental for the Coalition Provisional Authority's administrative expenses.

At $23 billion, the Coalition Provisional Authority's budget will be more than three times what it spent in the last fiscal year. Now, that will be more than the Federal budget for seven Cabinets out of the 15 Cabinet Departments that run the Federal Government. That is a lot of money to flow through the hands of the Coalition Provisional Authority in Iraq.

The CPA's budget is four times the budget of the Commerce Department. Think of that. Do we demand accountability from the Commerce Department? The CPA's budget is twice the size of the entire Interior, Labor, and Treasury Departments and it is billions of dollars larger than the budgets of the Agriculture Department and the Justice Department.

The Senate gives its advice and consent to Presidential appointments to the highest level positions in the Bush administration, or any administration. In the Clinton administration, Reagan administration, and Carter administration, the Senate gave its advice and consent to Presidential appointments to these high-level positions in the Departments. Even a lowly second lieutenant in the Army—now get this. Even a lowly second lieutenant in the Army, who is responsible for the two dozen to three dozen soldiers under his command, is subject to the confirmation by the Senate. And yet the official who is responsible for governing and rebuilding Iraq, a country made up of 23 million, 24 million people—the official with a budget larger than half the Federal departments and responsible for the livelihood of 23 million or 24 million Iraqis—is not subject to confirmation by the Senate.

As it stands today, the people's representatives—that is you, Senator. That is you, Senator. And that is you, I say to every other Senator and I say it to myself as well. As it stands today, the people's representatives—that is us. I am talking about us—the people's representatives in the Senate have no say in who leads the CPA, even though the administration's endeavors in Iraq have drained $118 billion from our budget, have seized tens of thousands of National Guardsmen from our States, and have so far taken the lives of 351 U.S. soldiers in this war. The CPA claims to be vested with all the legislative, executive, and judicial authority necessary to achieve the administration's objectives in Iraq and yet the Congress has done nothing—nothing—to ensure that its administrator is held accountable to the American people.

Beginning March 1, 2004, my amendment would prohibit the Coalition Provisional Authority in Iraq from spending any appropriated funds until its administrator has been appointed by the President with the advice and consent of the Senate. Is it asking too much, that we ask that the person, the one individual, the Coalition Provisional Authority's administrator—is it asking too much that he be appointed by the President of the United States by and with the consent of the Senate? That is not asking too much. That is in defense of the American taxpayer. That will make sure, yes, that person will be accountable to the American taxpayer, to the American people, to the representatives of the American people in Congress.

The sums of money that are being spent in Iraq are enormous. This is not just chickenfeed we are talking about. We are talking about huge amounts of the taxpayers' money. That person should be accountable to the taxpayers

of the country, accountable to the Congress of the United States, made up of the elected representatives of the people. The sums of money are enormous—$87 billion we spent, of which $20.3 billion would be in that amount. I said a moment ago we have appropriated already $118 billion. That includes the April supplemental and includes the supplemental we just passed. It was passed by the Senate. This is too much money to appropriate without ensuring that the decisionmakers in Iraq will be held accountable to the American people. We owe it to the taxpayers, don't we? Yes. We owe it to the taxpayers to do better than that.

I urge the adoption of my amendment and I reserve the remainder of my time.

The PRESIDING OFFICER (Mrs. DOLE). The Senator from Kentucky.

Mr. MCCONNELL. Madam President, with all due respect to my good friend from West Virginia, who has had many good ideas in his 45 years in the Senate, let me suggest this may not be one of them. What the Senator from West Virginia is suggesting here is that we change a temporary position—a position currently held by Ambassador Bremer, which he is trying very hard to work his way out of by having at the earliest opportunity a chance to turn Iraq over to Iraqis and come home—into a confirmed Senate position. Ambassador Bremer spent a lot of time back here testifying, as he should have, on the supplemental. But the real job to do is over in Iraq, trying to get this new government up and running, trying to get the Iraqi security force to a substantial level so we can begin to draw down American troops. I think most of us have concluded we have too many positions that need to be confirmed.

In fact, I can recall a meeting in my office earlier this year, right before the August recess, a bipartisan meeting discussing the possibility of reducing the number of positions which require confirmation and having that bill take effect January 20, 2005, for whoever the next President is, to try to make it possible for the next administration to function more successfully without all of the problems that come from an excessive number of confirmations.

Secretary Rumsfeld is the designated authority for Iraq. Of course, he was confirmed by the Senate. Ambassador Bremer, the CPA administrator, reports to the Secretary of Defense. During the consideration of the supplemental, my good friend from Vermont tried to shift the authority from the Defense Department over to the State Department. Certainly an argument can be made for that. But that failed on a vote of 56 to 42.

The fact is Ambassador Bremer, as I indicated earlier, is trying very hard to work his way out of this job. This is very much a temporary position. We didn't go in there to be there a very lengthy period of time. This temporary job can end the moment the Iraqis are in a position to take over the administration of their own country. We all know how lengthy confirmations can be. Do we really want to derail reconstruction by having Ambassador Bremer back here for lengthy confirmation proceedings? He is already on the job. As I understand the amendment, if this were to take effect and he were not to be confirmed by March 1 of next year, all the funding would be cut off. So this would be an extraordinarily high profile confirmation.

I know my good friend from West Virginia thought this war was a mistake. He has been very clear about that. A Senator would have to be extraordinarily inattentive not to get the point that the Senator from West Virginia believes the whole thing was a mistake. But I would say with the utmost respect for my good friend, we are there. We are there now. Regardless of how one felt about the process of getting us there, it seems to me we have a lot on the line in having this Iraqi effort be successful, regardless of how we felt about going in.

I venture the opinion that no matter who the next President is, they will try to finish the job in Iraq just like this administration is still in Bosnia and Kosovo, an administration policy of the previous administration.

This job needs to be finished. I plead with my colleagues. Let us not make it any more difficult to wrap up this very tough assignment and have Ambassador Bremer come back and do something else for the rest of his life.

I hope the Byrd amendment will not be approved. We have had ample opportunity to cross-examine Ambassador Bremer and to question him on every conceivable issue related to this, and I am sure we will have other opportunities to do it. But I think the confirmation process is simply not appropriate for this particular position.

I yield the floor.

Mr. LEAHY. Madam President, how much time remains to the senior Senator from West Virginia?

The PRESIDING OFFICER. There is no time limit.

Mr. LEAHY. Madam President, I ask unanimous consent that I be allowed to speak for 3 minutes, of course with an equal amount of time on the other side.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Madam President, reserving the right to object, I would like to have a few minutes myself with an equal amount of time allotted to the distinguished Senator from Kentucky. I have a few words I would like to say in attempting to rebut what my friend said.

Mr. MCCONNELL. Madam President, I really have said all I wish to say. I would be happy to yield time, if I have any time remaining.

The PRESIDING OFFICER. There is no time limit at this point.

Mr. LEAHY. I thought we had 20 minutes.

The PRESIDING OFFICER. No.

Mr. MCCONNELL. Madam President, I say to my friend from West Virginia that I basically have completed my argument and am not interested necessarily in having the last word. I would be anxious to move ahead with a vote.

Mr. LEAHY. Madam President, I didn't realize there was no time limit. I will be brief.

I have heard the arguments of my friend from Kentucky: Why stop things now ahead of this confirmation? Unfortunately, while a great deal of planning went into the war in Iraq—even though there was never any question of the outcome, because we are the most powerful nation history has ever known, of course, and we would succeed against a third-rate or fourth-rate military power like Saddam Hussein—it appears that very little planning went into what happens after the war. Of course, there have been more American casualties since the President said the mission was accomplished, the war was over, and as he famously taunted the Iraqis, ''Bring it on.'' Unfortunately, they did. But we saw first a general being placed in there, which didn't work, and we put Paul Bremer in there, again without much planning. The distinguished Senator from Kentucky said we had debate on the floor about the transfer from the Department of Defense to the State Department. That was defeated. I remember the debate very well. Interestingly enough, the talking points of the administration in opposition were that they are perfectly satisfied with having all of this coordinated by the Secretary of Defense. There was no need to place it anywhere but the Secretary of Defense. That was it, and the White House position carried.

What the White House talking points didn't say, and we all found out about 3 days later, was they had already made the decision to take it out of the Department of Defense and put it into Dr. Rice's office. Actually, moving it out of the Department of Defense had already been decided by the White House. But as often happens when we are told one thing and something else is being done, the talking points coming over from the White House said they had every intention of leaving it—in effect emphatically every intention of leaving it—under the direction of the Under Secretary of Defense.

That probably should have been the tipoff, that they were emphatic and intended to leave it there. They had already made up their mind to leave it there. Of course, that is not how it turned out. But I worry because if you have somebody who is in charge of more foreign assistance than the Secretary of State and the Administrator of USAID combined, both of whom require confirmation, if you give all of this power to someone who does not require confirmation, what does that say about our role in the Senate? What does that say about what we feel about transparency and accountability?

We are appropriating over $20 billion basically to be distributed solely as the Administrator feels he should. That is more than the Secretary of State and the Administrator of the USAID get to distribute, and they have to be confirmed. The answers were not forthcoming.

I think of the plan we were suddenly shown on the Appropriations Committee. I recall the distinguished Senator from West Virginia asked for more time and, of course, he could not get it. Ambassador Bremer came here, and we were given a plan. They had gone out, apparently, for a couple of months before saying what they were going to do. Then it turned out, amazingly, I know—I am just shocked to find this out—the plan was given only to the Republicans, maintaining the same kind of partisanship there is on this. We were supposed to ask questions of Ambassador Bremer. But only Republicans were allowed to see this plan paid for by the taxpayers of this country. When Democrats asked about it, he said, Well, I thought that had all been sent to you. Apparently the mail only goes to 51 Senators and not to the other 49.

Be that as it may, the plan was interesting. It did say the United States wanted to give the Iraqi people a chance to form a government and a country that would fulfill President Bush's vision for them. Some thought that was a little bit condescending to a country where civilization goes back long before this country's was ever discovered. At least we had a chance finally to talk about it.

The same way in which the White House told us the Secretary of Defense was the only one who should be in charge of this—we find they had already made the decision; They did not tell us about it—apparently they didn't tell the Secretary of Defense about it either. They were yanking it out from him and putting it with somebody else.

My point is, if we are going to give somebody $20 billion to buy $33,000 pickup trucks and $6,000 telephones for Taj Mahal jail cells and have scholarships that are not available to Americans but apparently will be to Iraqis, the person ought to be at least confirmed so we have a chance to ask questions.

I think the Senator from West Virginia is right.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, my amendment does not cut off funds for reconstruction, as I thought I understood the distinguished Senator from Kentucky to say. If I am incorrect and did not hear him say that or indicate that, I certainly would be glad to be corrected.

My amendment would allow the President to allocate that money to other agencies but would not allow the CPA to spend that money until the Administrator is confirmed by the Senate. This won't shut down funding for the troops. The Senate has until March 1—4 months away—to confirm the Administrator of the CPA. After the Homeland Security Department was created, for example, the Senate confirmed Governor Tom Ridge in just a few short weeks—in just a matter of days. I think it would be the same with Ambassador Bremer.

I certainly have no complaint with respect to Ambassador Bremer. My amendment is not about Ambassador Bremer, currently the head of the CPA, and all of his potential successors. They will have a great deal of authority.

I say again that a lowly second lieutenant in the Army is subject to confirmation by the Senate. Surely the head of CPA should be as well.

My colleague talks about the desire to bring the situation to a conclusion in Iraq as soon as possible.

I agree with him that the job in Iraq should be finished as soon as possible. But it should be carried out with accountability to the elected representatives of the American people.

I also add this postscript: Judging from the events as we have seen them transpire going back several months, I don't believe this situation in Iraq is going to end very quickly. It shows every indication of intensifying. We are in one big mess.

I remember a time when I believed if the President and the administration were to hold out the olive branch and show an indication of willingness to share in economic and political responsibility in Iraq with major European countries and other countries in Asia and elsewhere, if that willingness had been demonstrated some months ago, there would be other major countries making large contributions in treasure and in manpower in Iraq today. But that olive branch was not extended. That willingness to share economic and political responsibility in Iraq was not voiced. It was not made manifest.

Now, I hope that the train has not gone by the station without stopping. As we see the horrific events unfolding in Iraq, I am not so sure that those major European erstwhile contributors would be so willing even to contribute now. The back of the hand was extended to them before the war and it has not been otherwise since the war, to any extent.

By virtue of these mistakes that the administration has made, it is not my belief that the situation in Iraq is going to end all that quickly. I hope it will. But we should not bet on that. Therefore, it would be appropriate to require the President appoint an Administrator and that the Senate be required to confirm or reject that person. That would assure the American people of accountability and of responsibility on the part of their elected representatives and on the part of the CPA Administrator. It is the right thing to do by the American people. It is the right thing to do under the Constitution because the power of the purse is vested here, in the Congress, in this body and the other body.

That power of the purse carries with it the duty of oversight. Congress cannot properly oversee an administrator who is not accountable to the Congress, an administrator who has not been confirmed by the Senate. Therefore, Congress is not in a position to carry out its responsibility under the Constitution of being accountable to the American people and in accordance with the words of the Constitution.

I say that it is time the Senate act. The Senate has been silent too long. The Senate was silent before the war. The Senate was silent before it voted on October 11 of last year to give the authority to the President of the United States to use the military forces of this country as he saw fit. The Congress gave the President of the United States a blank check, as it were, with respect to authority to take this Nation into war and to put these men and women, soldiers, sailors, airmen, and marines, in harm's way. It was a most shameful moment when Congress washed its hands. One of the most shameful moments in the history of the Senate was when it passed the cusp and attempted to wash its hands of the responsibility of following the Constitution of the United States which says that Congress shall have the power to declare war.

That moment has come and gone, but still, as the distinguished Senator from Kentucky says, our people are there. We are now there. So what do we do?

I say to Senators, put yourselves into these desks, these chairs, into these shoes of ours 1 year from today and look back and see if you cast the right vote on this amendment. How will it be 1 year from today if we find we are in deeper and deeper and deeper and it has become another Vietnam—which I supported; I supported the war in Vietnam. I was practically the last person out of Vietnam because I supported the President. I supported Johnson. I supported Nixon. I supported them all the way. But one should learn by his mistakes.

We were ill advised when it came to the Gulf of Tonkin resolution. We were ill advised by the administration. I voted for it. Two Senators voted against it. Wayne Morse said that the resolution would pass but that those who voted for it would be sorry. I voted for it. I was sorry. I am sorry. We should learn by our mistakes.

We were not properly advised by that administration and we were not properly advised by this administration. That is why we are in Iraq. I will have more to say about that at another time.

The distinguished Senator from Kentucky is right. We are there. What do we do? In this matter, we have a responsibility to hold Ambassador Bremer, or whoever is the Administrator of the Coalition Provisional Authority, accountable to the Congress.

It has been said that Mr. Bremer has already testified before the Congress in

supporting the President's $87 billion request for Iraq. Of course he testified. Yes, he testified. He was before the Appropriations Committee a short time, a few hours. Ambassador Bremer wanted the Congress to give him $20 billion. But how often will he testify after he receives the money? How receptive will he be to further invitations to testify before congressional committees once he has received a blank check, as it were?

Let's not delude ourselves to the extent which Ambassador Bremer was made available to the Congress. He testified only once before the Senate Appropriations Committee and he did not have to respond to a single outside witness called to challenge the administration's lying. Ambassador Bremer went so far as to refuse to return to the Appropriations Committee to answer additional questions because, ''I don't have time.'' He said that in response to me. I asked Ambassador Bremer if he could make himself available and would make himself available to the Senate Appropriations Committee in the event the chairman asked him to return and he said: I don't have time. I am sorry that the transcripts have not been printed—yet—but the transcripts are around, the transcripts of the hearings.

He said: I don't have time. Can you imagine that? He wouldn't say that if he had to be confirmed by the Senate. He would have time. He would make himself available whether the Senate would be under the control of the Republicans or under the control of the Democrats, whatever. He would find time. He would be available. Yes, indeed.

So he said: I don't have time. I am completely booked, and I have to get back to Baghdad to my duties.

What are his duties? If he were required to be confirmed, his duty would be to come back before the Senate and to answer questions, and to answer questions under oath, if necessary.

Senators who believe that sufficient action has been taken to ensure accountability by the CPA Administrator are kidding themselves. The CPA has not been sanctioned by the Congress. And Ambassador Bremer has not been confirmed by the U.S. Senate. Congress has no legislative ties to the CPA or its Administrator. Congress has no strings by which it can say to the Administrator: You come before this committee and, if necessary, you be prepared to take an oath that what you say is the truth, the whole truth, and nothing but the truth, so help me God.

That is a part of it. That is what we are talking about.

The secret national security directive that created the CPA dictates that Ambassador Bremer shall report to the Secretary of Defense and the President. It does not mention the Congress. It does not mention the American people.

When Tom Ridge was appointed Homeland Security Director after the September 11 attacks, the White House refused to allow him to testify before Congress. The President said: No, he is a member of my staff.

Well, technically that was correct. The President opted to create a new Homeland Security Department and reorganize the Federal Government rather than allow an unconfirmed member of his administration to testify before the Congress.

That kind of record should not comfort Members of Congress. We have a responsibility to the American people to ensure that the administration officials responsible for the lives of their loved ones who are fighting in Iraq and for their taxpayer dollars that are being spent in Iraq are held accountable for their actions. We must stop just passing the buck along to the President.

With regard to the argument that holding these officials accountable will somehow endanger our troops, I urge Senators to reject that flimsy scare tactic. What endangers the troops is not having their decisionmakers held accountable to the people. When funds are being spent on postal ZIP Codes, garbage trucks, and escalator and garage beautification projects rather than the necessities of the troops, that is when the Congress must be the most vocal in questioning the judgment of those in the administration who wield power.

I urge Senators to focus on the bigger picture. Senators should cast their votes not only with the thought of a Republican administration directing reconstruction efforts in Iraq, but with an image of a Democratic administration directing the reconstruction efforts in Iraq. I think I know what the answer would be then.

We need to look beyond the party label of the current administration. I am not talking about Mr. Bremer. I spoke of his saying he didn't have time, and he didn't. Those were his words, made of his own free will. Milton wrote about man's free will, ''Paradise Lost.'' Those were Mr. Bremer's words. I have no reason to find fault with Mr. Bremer at all. He is not there without confirmation by virtue of his choice. But that is the way it is. As Walter Cronkite used to say, that is the way it was.

We need to look beyond the party label. We need to take a longer term view of accountability.

Let me say in closing, I thank my friend from Kentucky, who has always been a gentleman with me, has always been straightforward with me, and has conducted himself, on this occasion, as on all others, as a gentleman should.

I thank him for his characteristic courtesy in this instance. I respect his argument. I respect his vote. But the record will be made and the record will stand.

I yield the floor.

Mr. MCCONNELL. Madam President, I am aware of no further debate on this amendment. I assume the Senator would like a rollcall vote.

Mr. BYRD. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 1969. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), 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 ''yea.''

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

The result was announced—yeas 44, nays 53, as follows:

[Rollcall Vote No. 414 Leg.]

YEAS—44

Akaka	Dodd	Leahy
Baucus	Dorgan	Levin
Bayh	Durbin	Lincoln
Biden	Feingold	Mikulski
Bingaman	Feinstein	Murray
Boxer	Graham (FL)	Nelson (FL)
Breaux	Harkin	Pryor
Byrd	Hollings	Reed
Cantwell	Inouye	Reid
Carper	Jeffords	Rockefeller
Clinton	Johnson	Sarbanes
Conrad	Kennedy	Schumer
Corzine	Kohl	Stabenow
Daschle	Landrieu	Wyden
Dayton	Lautenberg	

NAYS—53

Alexander	Collins	Gregg
Allard	Cornyn	Hagel
Allen	Craig	Hatch
Bennett	Crapo	Hutchison
Bond	DeWine	Inhofe
Brownback	Dole	Kyl
Bunning	Domenici	Lott
Burns	Ensign	Lugar
Campbell	Enzi	McCain
Chafee	Fitzgerald	McConnell
Chambliss	Frist	Miller
Cochran	Graham (SC)	Murkowski
Coleman	Grassley	Nelson (NE)

Nickles	Smith	Talent
Roberts	Snowe	Thomas
Santorum	Specter	Voinovich
Sessions	Stevens	Warner
Shelby	Sununu	

NOT VOTING—3

Edwards	Kerry	Lieberman

The amendment (No. 1969) was rejected.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that Senator CORZINE be added as a cosponsor to the Burma amendment No. 1970.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. MCCONNELL. Mr. President, I ask that Senator FEINSTEIN also be added as a cosponsor to amendment No. 1970, the Burma amendment.

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

Mr. MCCONNELL. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I thank the Senator for accepting an amendment for the managers' package that deals with making sure we have something in the criteria for the Millennium Challenge Account, assistance dealing with people with disabilities.

Basically, the amendment makes a small but significant change to the Millennium Challenge Account ensuring that one criteria used in determining a country's eligibility for the Millennium Challenge Account funds is their commitment to providing opportunities for the inclusion of people with disabilities. This account represents one of the largest increases in foreign aid spending in half a century, about $1 billion this year and an additional $4 billion within the next 3 years.

People with disabilities have been left out of our foreign assistance programs for too long. This amendment does not require they do anything new.

Since 1996, over 100 countries, including the United States, have submitted reports to the United Nations under implementation of 22 rules to equalize opportunities for people with disabilities. President Bush has implemented a new freedom initiative in this country on behalf of people with disabilities. In 2001, he charged each agency with reviewing their policies to remove barriers that promote inclusion of people with disabilities in American society. I commend and I compliment President Bush for taking this step. This amendment takes this initiative and extends it basically to our foreign assistance programs.

I have a report from the National Council on Disability, dated September 9, 2003. It is titled: ''Foreign Policy and Disability: Legislative Strategies and Civil Rights Protections To Ensure Inclusion of People with Disabilities.''

In the cover letter from the chairperson of the National Council on Disability to President Bush, Mr. Lex Frieden pointed out that in 1996:

> NCD recommended a series of policy changes to ''ensure the inclusion of people with disabilities in all foreign assistance programs. . . .

He goes on to say:

> Seven years later, NCD has concluded that inclusion of people with disabilities in U.S. foreign policy will be achieved only when specific legislation is enacted to achieve that purpose.

That is what we have done. We have added specific legislative language to ensure in the Millennium Challenge Account one of the criteria to be used is whether that country is trying to provide opportunities for the inclusion of persons with disabilities.

In the executive summary of this report filed by the National Council on Disability, it says:

> Individuals with disabilities are subject to a broad pattern of discrimination of segregation in almost every part of the world. In most countries, people with disabilities and their families are socially stigmatized, politically materialized and economically disadvantaged. The economic cost to society of excluding people with disabilities is enormous. No nation in the word will achieve its full potential for economic development when it leaves out people with disabilities. No society will be a complete democracy unless people with disabilities can participate in public life. Failure to respond to the concerns of people with disabilities ignores one of the great humanitarian and human rights challenges of the world today.
>
> The United States is well positioned to lead the world in demonstrating how to build on the tremendous human potential of people with disabilities.
>
> The Americans With Disabilities Act (ADA) represents a sweeping commitment on the part of the U.S. government to abolish discrimination against people with disabilities in all walks of life.
>
> At present, U.S. foreign policy does not reflect the great accomplishments of people with disabilities within the United States. U.S. citizens with disabilities cannot serve in many embassies abroad because these buildings are physically inaccessible. Qualified and talented individuals may be excluded from U.S. government service abroad based on their medical history.
>
> The U.S. National Council on Disability (NCD) calls on the Executive Branch and Congress to create a new foreign policy that ensures access by people with disabilities to the benefits of democracy and economic development around the world.

I ask unanimous consent that the executive summary of the National Council on Disability's report be printed in the RECORD.

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

PART I. EXECUTIVE SUMMARY AND CONCLUSIONS

More than 600 million people, almost 10 percent if the world's population, have a disability. This number will rise dramatically in the coming years as the population ages and as more people become disabled by AIDS. Rates of disability are particularly high in post-conflict societies, among refugee populations, and in countries with histories of political violence. Even in stable societies, however, people with disabilities make up the poorest of the poor. In some of the world's poorest countries, according to the United Nations (UN), up to 20 percent of the population has a disability.

Individuals with disabilities are subject to a broad pattern of discrimination and segregation in almost every part of the world. In most countries, people with disabilities and their families are socially stigmatized, politically marginalized, and economically disadvantaged. The economic cost to society of excluding people with disabilities is enormous. No nation in the world will achieve its full potential for economic development while it leaves out people with disabilities. No society will be a complete democracy unless people with disabilities can participate in public life. Failure to respond to the concerns of people with disabilities ignores one of the great humanitarian and human rights challenges of the world today.

The United States is well positioned to lead the world in demonstrating how to build on the tremendous human potential of people with disabilities. It is among the world leaders in protecting the civil rights of people with disabilities, with legislation that seeks to ensure their full participation in society, and in supporting their independent living. The Americans with Disabilities Act (ADA) represents a sweeping commitment on the part of the U.S. government to abolish discrimination against people with disabilities in all walks of life. Since the adoption of the Rehabilitation Act in 1973, U.S. civil rights laws have required all U.S. government programs to be inclusive of and accessible to people with disabilities. As they have exercised their rights over the past 30 years, Americans with disabilities have broken barriers to inclusion, shattered stereotypes about their limitations, and contributed to the economic, cultural, and political life of the nation.

At present, U.S. foreign policy does not reflect the great accomplishments of people with disabilities within the United States. U.S. citizens with disabilities cannot serve in many embassies abroad because these buildings are physically inaccessible. Qualified and talented individuals may be excluded from U.S. government service abroad based on their medical history. In addition to failing to protect U.S. citizens with disabilities in foreign operations, U.S. foreign policies and programs have generally not been designed to respond to the concerns of individuals with disabilities abroad. While the Foreign Assistance Act has long established that ''a principal goal of the foreign policy of the United States shall be to promote the increased observance of internationally recognized human rights by all countries,'' the rights of people with disabilities have been long ignored.

The U.S. National Council on Disability (NCD) calls on the Executive Branch and Congress to create a new foreign policy that ensures access by people with disabilities to the benefits of democracy and economic development around the world. All U.S. foreign operations abroad (including foreign assistance efforts) would be greatly improved if the principles established in U.S. civil rights law—under the Rehabilitation Act and the

ADA—were applied to U.S. operations abroad. Such a policy would require U.S. foreign assistance funding to be used in a manner that is accessible to people with disabilities. Such protections would also ensure that U.S. citizens and contractors with disabilities would be protected against discrimination in the implementation of U.S. programs abroad. Leadership by U.S. citizens with disabilities in our foreign operations would greatly improve our ability to respond to the concerns of people with disabilities in other countries.

Mr. HARKIN. I also ask unanimous consent that the cover letter preceding that by Mr. Lex Frieden also be printed in the RECORD.

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

NATIONAL COUNCIL ON DISABILITY,
Washington, DC, September 9, 2003.

The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: On behalf of the National Council on Disability (NCD), I am submitting a report entitled Foreign Policy and Disability: Legislative Strategies and Civil Rights Protections To Ensure Inclusion of People with Disabilities. This report is a follow-up to NCD's 1996 Foreign Policy and Disability report that found continued barriers to access for people with disabilities in U.S. foreign assistance programs.

In the 1996 report, NCD recommended a series of policy changes to ensure inclusion of people with disabilities in all foreign assistance programs, including the establishment of specific objectives for inclusion with a timetable for their fulfillment. Seven years later, NCD has concluded that inclusion of people with disabilities in U.S. foreign policy will be achieved only when specific legislation is enacted to achieve that purpose. This report reviews a number of models that Congress has adopted for linking human rights and foreign policy that can be adapted to ensure the inclusion of people with disabilities. This report looks primarily at the U.S. Department of State and the United States Agency for International Development (USAID). Among the various strategies and approaches to improve foreign assistance policies and practices, NCD recommends that Congress amend the Foreign Assistance Act to ensure inclusion of people with disabilities in all U.S. programs by requiring every U.S. agency operating abroad to operate in a manner that is accessible and inclusive of people with disabilities. NCD recommends that this be accomplished by, among other reforms, amending the Foreign Assistance Act to create a Disability Advisor at the State Department and creating an office on Disability and Development at USAID.

NCD also calls on your Administration to recognize that all U.S. government operations abroad should be brought into compliance with Section 504 of the Rehabilitation Act and the Americans with Disabilities Act.

The principles of non-discrimination, access, and inclusion of people with disabilities have been established as civil rights. The reforms discussed in this report are needed to ensure that people with disabilities can fully contribute to U.S. foreign policies and programs abroad as they have done so effectively at home.

Sincerely,

LEX FRIEDEN,
Chairperson.

Mr. HARKIN. Again, I thank the manager and the ranking member for working out the language. This may seem like a small thing but, believe me, this is big. This is going to say—and we look at other criteria—but we will look at a country to see what they are doing to provide for people with disabilities.

Quite frankly, this country ought to be taking the lead around the world in that area because we have a lot to talk about in what we have done in our own country since the Americans with Disabilities Act was passed in 1990. What we have done is shown that people with disabilities can provide economic stimulus to a country. They can provide part of that economic engine that a country needs. We have shown conclusively, no matter where you are, no matter what country, that if your policy is one of exclusion of people with disabilities, keeping them institutionalized, materialized, not fully participating in society, it costs that society more to do that than it does to include them in education, for example, transportation, employment, and cultural affairs.

My amendment was designed basically to implement what the National Council on Disability concluded when they said, ''The inclusion of people with disabilities in United States foreign policy will be achieved only when specific language is enacted to achieve that purpose.'' That is what we have done this evening with the inclusion of this amendment.

I only hope when we go to conference with the House that we can have the support of the administration. As I said, President Bush had an enlightened policy on people with disabilities when he came in in 2001. I hope the White House will take that inclusion policy of theirs and make sure we keep it in this foreign operations appropriations bill for the next year and that they will use the Millennium Challenge Account to promote and to stimulate other countries in thinking about how they can provide for the inclusion of people with disabilities.

I thank Senator MCCONNELL, Senator LEAHY, and their respective staffs for working on this issue.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. TALENT). WITHOUT OBJECTION, IT IS SO ORDERED.

AMENDMENTS NOS. 2001; 2002; 2003; 1995, AS MODIFIED FURTHER; 2004; 2005; 2006; 1973; 2007; 2008; 2009; 2010; 2011; 2012; 2013; 2014; 2015; 1998, AS MODIFIED; 2016; 2017; 2018; AND 2019; EN BLOC

Mr. MCCONNELL. Mr. President, we have two blocks of amendments that have been agreed to on both sides that we are prepared to move at this point.

The first is a series of amendments as follows: Senator LEAHY, providing funds for U.S. contribution to UNAIDS; Senator VOINOVICH, annual report on antisemitism; Senator DODD, providing assistance for OAS mission in Haiti; Senator ALLARD, amendment No. 1995 as modified further; Senator FEINGOLD, relating to U.S. citizens in Indonesia; Senator LUGAR, relating to danger pay for USAID; Senator DASCHLE, sense of Congress on delivery of assistance by air; Senator MCCAIN, amendment No. 1973 relating to Azerbaijan; Senator FEINGOLD, report on Sierra Leone; Senator BIDEN, technical amendment; Senator FEINGOLD, report on Somalia; Senator LUGAR, relating to the Global Fund; Senator INOUYE, related to the guinea worm eradication; Senator HARKIN, disabilities; Senator ALLEN, related to intellectual property rights; Senator BROWNBACK, providing assistance to promote democracy in Iran; Senator BROWNBACK, sense of the Senate on Iran; Senator LANDRIEU, modification to amendment No. 1998; Senator DODD, relating to contracts in Egypt; Senator LUGAR, relating to Millennium Challenge Account; Senator ENSIGN, relating to democracy in Cuba; and Senator LEAHY, relating to HIV/AIDS.

Mr. President, I send this block of amendments to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to consideration of the amendments en bloc? Without objection, it is so ordered.

Without objection, the amendments are agreed to.

The amendments were agreed to, as follows:

On page 23, line 8, before the period, insert the following:

: *Provided further,* That of the funds appropriated under this heading, not less than $28,000,000 shall be made available for a United States contributions to UNAIDS.

AMENDMENT NO. 2002

(Purpose: To require the Annual Report on International Religious Freedom to include a section on anti-Semitism and other religious intolerance)

On page 147, between lines 6 and 7, insert the following new section:

ANNUAL REPORT ON INTERNATIONAL RELIGIOUS FREEDOM TO INCLUDE INFORMATION ON ANTI-SEMITISM AND OTHER RELIGIOUS INTOLERANCE

SEC. 692. Section 102(b)(1) of the International Religious Freedom Act of 1998 (22 U.S.C. 6412(b)(1)) is amended by adding at the end the following new subparagraph:

''(G) ACTS OF ANTI-SEMITISM AND OTHER RELIGIOUS INTOLERANCE.—A description for each foreign country of—

''(i) acts of violence against people of the Jewish faith and other faiths that occurred in that country;

''(ii) the response of the government of that country to such acts of violence; and

''(iii) actions by the government of that country to enact and enforce laws relating to the protection of the right to religious freedom with respect to people of the Jewish faith;

AMENDMENT NO. 2003

(Purpose: To provide assistance for the OAS Special Mission in Haiti to implement OAS Resolution 822 to restore security and hold elections)

On page 21, line 18, after the comma insert the following:

''That of the funds appropriated under this heading, up to $15,000,000 should be made available as a United States contribution to the Organization of American States for expenses related to the OAS Special Mission in Haiti and the implementation of OAS Resolution 822 and subsequent resolutions related to improving security and the holding of elections to resolve the political impasse created by the disputed May 2000 election: *Provided further,*''

AMENDMENT NO. 1995, AS FURTHER MODIFIED

(Purpose: To limit international military education and training funds from being made available for Indonesia)

On page 147, between lines 6 and 7, insert the following new section:

LIMITATION ON THE PROVISION OF IMET FUNDS TO INDONESIA

SEC. 693. (a) Subject to subsection (c), no funds appropriated by title IV of this Act, under the subheading ''INTERNATIONAL MILITARY EDUCATION AND TRAINING'' under the heading ''FUNDS APPROPRIATED TO THE PRESIDENT'' shall be made available for military education and training for Indonesia.

(b) Nothing in this section shall prohibit the United States Government from continuing to conduct expanded IMET programs, programs or training with the Indonesian Armed Forces, including counter-terrorism training, officer visits, port visits, or educational exchanges that are being conducted on the date of the enactment of this Act.

(c) The President may waive the application of subsection (a) if the President—

(1) determines that important national security interests of the United States justify such a waiver; and

(2) submits notice of such a waiver and a justification for such a waiver to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives in accordance with the regular notification procedures of such Committees.

AMENDMENT NO. 2004

(Purpose: To encourage the Government of Indonesia to meet the conditions necessary for the normalization of military relations with the United States)

On page 147, between lines 6 and 7, insert the following:

UNITED STATES CITIZENS IN INDONESIA

SEC. 692. (a) Congress makes the following findings:

(1) The United States recognizes the cooperation and solidarity of the Government of Indonesia and the people of Indonesia in the global campaign against terrorism.

(2) Increased cooperation between the United States and the Indonesia police forces is in the interest of both countries and should continue.

(3) Normal military relations between Indonesia and the United States are in the interest of both countries.

(4) The respect of the Indonesia military for human rights and the improvement in relations between the military and the civilian population of Indonesia are extremely important for the future of relations between the United States and Indonesia.

(b) The normalization of the military relationship between the United States and Indonesia cannot begin until—

(1) the Federal Bureau of Investigation has received full cooperation from the Government of Indonesia and the Indonesia armed forces with respect to its investigation into the August 31, 2002, murder of 2 American schoolteachers in Timika, Indonesia; and

(2) the individuals responsible for those murders are brought to justice.

(c) Congress looks forward to continued and increased cooperation with respect to this investigation and to the resolution of the issue, which will contribute to the normalization of military relations between the United States and Indonesia.

AMENDMENT NO. 2005

(Purpose: To increase the maximum rate of post differentials and danger pay allowances for civilian employees of the United States Agency for International Development)

On page 147, between lines 6 and 7, insert the following:

POST DIFFERENTIALS AND DANGER PAY ALLOWANCES

SEC. 692. (a) Section 5925(a) of title 5, United States Code, is amended in the third sentence by inserting after ''25 percent of the rate of basic pay'' the following: ''or, in the case of an employee of the United States Agency for International Development, 35 percent of the rate of basic pay''.

(b) Section 5928 of title 5, United States Code, is amended by inserting after ''25 percent of the basic pay of the employee'' both places it appears the following: ''or 35 percent of the basic pay of the employee in the case of an employee of the United States Agency for International Development''.

(c) The amendments made by subsections (a) and (b) shall take effect on October 1, 2003, and shall apply with respect to post differentials and danger pay allowances paid for months beginning on or after that date.

AMENDMENT NO. 2006

(Purpose: To state the sense of Congress on the use of small, locall-owned air transport providers to provide for the delivery by air of assistance under the bill)

On page 147, between lines 6 and 7, insert the following:

SENSE OF CONGRESS ON CONTRACTING FOR DELIVERY OF ASSISTANCE BY AIR

SEC. 692. It is the sense of Congress that the Administrator of the United States Agency for International Development should, to the maximum extent practicable and in a manner consistent with the use of full and open competition (as that term is defined in section 4(6) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(6))), contract with small, domestic air transport providers for purposes of the delivery by air of assistance available under this Act.

AMENDMENT NO. 1973

(Purpose: To express the sense of Congress on the October 15, 2003 election in Azerbaijan and require a report on an investigation in Azerbaijan)

On page 147, between lines 6 and 7, insert the following new section:

SEC. 692. (a) Congress makes the following findings:

(1) International organizations and nongovernmental observers, including the Organization for Security and Cooperation in Europe, the National Democratic Institute, and Human Rights Watch documented widespread government manipulation of the electoral process in advance of the Presidential election held in Azerbaijan on October 15, 2003.

(2) Such organizations and the Department of State reported widespread vote falsification during the election, including ballot stuffing, fraudulent additions to voter lists, and irregularities with vote tallies and found that election commission members from opposition parties were bullied into signing falsified vote tallies.

(3) The Department of State issued a statement on October 21, 2003 concluding that the irregularities that occurred during the elections ''cast doubt on the credibility of the election's results''.

(4) Human Rights Watch reported that government forces in Azerbaijan used excessive force against demonstrators protesting election fraud and that such force resulted in at least one death and injuries to more than 300 individuals.

(5) Following the elections, the Government of Azerbaijan arrested more than 330 individuals, many of whom are leaders and rank-and-file members of opposition parties in Azerbaijan, including individuals who served as observers and polling-station officials who refused to sign vote tallies from polling stations that the individuals believed were fraudulent.

(6) The national interest of the United States in promoting stability in the Caucasus and Central Asia and in winning the war on terrorism is best protected by maintaining relationships with democracies committed to the rule of law.

(7) The credible reports of fraud and intimidation cast serious doubt on the legitimacy of the October 15, 2003 Presidential election in Azerbaijan and on the victory of Ilham Aliev in such election.

(b) It is the sense of Congress that—

(1) the President and the Secretary of State should urge the Government of Azerbaijan to create an independent commission, with participation from the Organization for Security and Cooperation in Europe and the Council of Europe, to investigate the fraud and intimidation surrounding the October 15, 2003 election in Azerbaijan, and to hold a new election if such a commission finds that a new election is warranted;

(2) the violence that followed the election should be condemned and should be investigated in a full and impartial investigation;

(3) the perpetrators of criminal acts related to the election, including Azerbaijani police, should be held accountable; and

(4) the Government of Azerbaijan should immediately release from detention all members of opposition political parties who were arrested for peacefully expressing political opinions.

(c) Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Attorney General, shall submit a report to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee of Appropriations of the House of Representatives on the investigation of the murder of United States democracy worker John Alvis. Such report shall include—

(1) a description of the steps taken by the Government of Azerbaijan to further such investigation and bring to justice those responsible for the murder of John Alvis;

(2) a description of the actions of the Government of Azerbaijan to cooperate with United States agencies involved in such investigation; and

(3) any recommendations of the Secretary for furthering progress of such investigation.

AMENDMENT NO. 2007

(Purpose: An amendment requiring a report on a USAID mission in Sierra Leone)

On page 147, between lines 6 and 7, insert the following:

REPORT ON SIERRA LEONE

Not later than 6 months after the date of enactment of this Act, the Administrator of the United States Agency for International Development shall submit a report to the Committee on Foreign Relations and Committee on Appropriations of the Senate and the Committee on International Relations and Committee on Appropriations of the

House of Representatives on the feasibility of establishing a United States mission in Sierra Leone.

AMENDMENT NO. 2008

(Purpose: To provide a clarification with respect to the availability of funds for a voluntary contribution to the International Atomic Energy Agency)

On page 40, line 18, insert after ''Commission'' the following: ''and that are not necessary to make the United States contribution to the Commission in the amount assessed for fiscal year 2004''.

AMENDMENT NO. 2009

Purpose: To require a report on a strategy for promoting stability and improving the quality of life in Somalia)

On page 147, between lines 6 and 7, insert the following:

REPORT ON SOMALIA

SEC. 692. (a) Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and International Relations of the House of Representatives a report on a strategy for engaging with competent and responsible authorities and organizations within Somalia, including in Somaliland, to strengthen local capacity and establish incentives for communities to seek stability.

(b) The report shall describe a multi-year strategy for—

(1) increasing access to primary and secondary education and basic health care services;

(2) supporting efforts underway to establish clear systems for effective regulation and monitoring of Somali hawala, or informal banking, establishments; and

(3) supporting initiatives to rehabilitate the livestock export sector in Somalia.

AMENDMENT NO. 2010

(Purpose: To provide for the designation of the Global Fund to Fight AIDS, Tuberculosis and Malaria under the International Organizations Immunities Act)

On page 147, between lines 6 and 7, insert the following:

DESIGNATION OF THE GLOBAL FUND TO FIGHT AIDS, TUBERCULOSIS AND MALARIA UNDER THE INTERNATIONAL ORGANIZATIONS IMMUNITIES ACT

SEC. 692. The International Organizations Immunities Act (22 U.S.C. 288 et seq.) is amended by adding at the end the following new section:

''SEC. 16. The provisions of this title may be extended to the Global Fund to Fight AIDS, Tuberculosis and Malaria in the same manner, to the same extent, and subject to the same conditions, as they may be extended to a public international organization in which the United States participates pursuant to any treaty or under the authority of any Act of Congress authorizing such participation or making an appropriation for such participation.''.

AMENDMENT NO. 2011

(Purpose: To provide funding for the Carter Center's Guinea Worm Eradication Program)

On page 147, between lines 6 and 7 insert the following new section:

GUINEA WORM ERADICATION PROGRAM

SEC. 692. Of the funds made available in title II under the headings ''CHILD SURVIVAL AND HEALTH PROGRAMS FUND'' and ''DEVELOPMENT ASSISTANCE'', not less than $5,000,000 may be made available for the Carter Center's Guinea Worm Eradication Program.

AMENDMENT NO. 2012

(Purpose: To clarify the criteria to be considered in determining eligibility for Millennium Challenge assistance)

On page 46, line 15, insert after ''resources'' the following: ''and to providing opportunities for the inclusion of persons with disabilities''.

AMENDMENT NO. 2013

(Purpose: To fund enhanced enforcement of intellectual property rights in foreign countries)

On page 32, line 10, before the period insert ''*: Provided further*, That $5,000,000 of amounts made available under this heading shall be for combating piracy of United States intellectual property''.

AMENDMENT NO. 2014

(Purpose: To set aside an amount for grants to media organizations to support broadcasting that promotes human rights and democracy in Iran)

Beginning on page 78, line 25, strike ''funds'' and all that follows through ''Iran:'' on page 79, line 3, and insert the following: ''not to exceed $5,000,000 of such funds may be used in coodination with the Middle East Partnership Initiative for making grants to Educational, Humanitarian and Nongovernmental Organizations and individuals inside Iran to support the advancement of democracy and human rights in Iran.

AMENDMENT NO. 2015

(Purpose: To express the sense of the Senate on the development of democracy in Iran)

On page 147, between lines 6 and 7, insert the following new section:

SEC. 692. (a) Congress makes the following findings:

(1) The Islamic Republic of Iran is neither free nor fully democratic, and undemocratic institutions, such as the Guardians Council, thwart the will of the Iranian people.

(2) There is ongoing repression of journalists, students, and intellectuals in Iran, women in Iran are deprived of their internationally recognized human rights, and religious freedom is not respected under the laws of Iran.

(3) The Department of State asserted in its ''Patterns of Global Terrorism 2002'' report released on April 30, 2003, that Iran remained the most active state sponsor of terrorism and that Iran continues to provide funding, safe-haven, training, and weapons to known terrorist groups, notably Hizballah, HAMAS, the Palestine Islamic Jihad, and the Popular Front for the Liberation of Palestine.

(4) The International Atomic Energy Agency (IAEA) has found that Iran has failed to accurately disclose all elements of its nuclear program. The IAEA is engaged in efforts to determine the extent, origin and implications of Iranian nuclear activities that were not initially reported to the IAEA.

(5) There have been credible reports of Iran harboring Al-Qaeda fugitives and permitting the passage of terrorist elements into Iraq.

(b) It is the sense of Congress that it should be the policy of the United States to—

(1) support transparent, full democracy in Iran;

(2) support the rights of the Iranian people to choose their system of government.

(3) condemn the brutal treatment and imprisonment and torture of Iranian civilians expressing political dissent;

(4) call upon the Government of Iran to comply fully with requests by the International Atomic Energy Agency for information and to immediately suspend all activities related to the development of nuclear weapons and their delivery systems;

(5) demand that al Qaeda members be immediately turned over to governments requesting their extradition; and

(6) demand that Iran prohibit and prevent the passage of armed elements into Iraq and cease all activities to undermine the Iraqi Governing Council and the reconstruction of Iraq.

AMENDMENT NO. 1998, AS MODIFIED

(Purpose: To ensure that women and children have access to basic protection and assistance services in complex humanitarian emergencies)

On page 147, between lines 6 and 7, insert the following new section:

SEC. . (a) None of the funds made available by title II under the heading ''MIGRATION AND REFUGEE ASSISTANCE'', or ''UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND'' to provide assistance to refugees or internally displaced persons may be provided to an organization that has failed to adopt a code of conduct consistent with the Inter-Agency Standing Committee Task Force on Protection From Sexual Exploitation and Abuse in Humanitarian Crises six core principles for the protection of beneficiaries of humanitarian assistance.

(b) In administering the amounts made available for the accounts described in subsection (a), the Secretary of State and Administrator of the United States Agency for International Development shall incorporate specific policies and programs for the purpose of identifying specific needs of, and particular threats to, women and children at the various stages of a complex humanitarian emergency, especially at the onset of such emergency.

(c) Not later than 90 days after the date of enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate, the Committee on International Relations of the House of Representatives and the Committees on Appropriations a report on activities of the Government of the United States to protect women and children affected by a complex humanitarian emergency. The report shall include—

(1) an assessment of the specific protection needs of women and children at the various stages of a complex humanitarian emergency;

(2) a description of which agencies and offices of the United States Government are responsible for addressing each aspect of such needs and threats; and

(3) guidelines and recommendations for improving United States and international systems for the protection of women and children during a complex humanitarian emergency.

AMENDMENT NO. 2016

(Purpose: To obtain assurance and a timetable for payments of U.S. contractors by the Egyptian Government)

On page 17, line 18 after the first comma add the following:

''That the Government of Egypt should promptly provide the United States Embassy in Cairo with assurances that it will honor contracts entered into with United States companies in a timely manner: *Provided further*,''

AMENDMENT NO. 2017

(The amendment No. 2017 is printed in today's RECORD under ''Text of Amendments.'')

AMENDMENT NO. 2018

(Purpose: Democracy Building in Cuba)

On page 147, between lines 6 and 7, insert the following new section:

DEMOCRACY BUILDING IN CUBA

SEC. 692. (a) Of the funds appropriated in Title II, under the heading ''Transition Initiatives'' not more than $5,000,000 shall be available for individuals and independent nongovernmental organizations to support democracy-building efforts for Cuba, including the following:

(1) Published and informational material, such as books, videos, and cassettes, on transitions to democracy, human rights, and market economics, to be made available to independent democratic groups in Cuba.

(2) Humanitarian assistance to victims of political repression, and their families.

(3) Support for democratic and human rights groups in Cuba.

(4) Support for visits and permanent deployment of independent international human rights monitors in Cuba.

(b) In this section:

(1) The term ''independent nongovernmental organization'' means an organization that the Secretary of State determines, not less than 15 days before any obligation of funds made available under this section to the organization, is a charitable or nonprofit nongovernmental organization that is not an agency or instrumentality of the Cuban Government.

(2) The term ''individuals'' means a Cuban national in Cuba, including a political prisoner and the family of such prisoner, who is not an official of the Cuban Government or of the ruling political party in Cuba, as defined in section 4(10) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6023(10)).

(c) The notification requirements of section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1) shall apply to any allocation or transfer of funds made pursuant to this section.

AMENDMENT NO. 2019

On page 23, line 3, before the colon, insert the following:

: *Provided further,* That of the funds appropriated under this heading, funds shall be made available to the World Health Organization's HIV/AIDS, Tuberculosis and Malaria Cluster.

On page 23, line 8, before the period, insert the following:

: *Provided further,* That the Coordinator should seek to ensure that an appropriate percent of the budget for prevention and treatment programs of the Global Fund to Fight AIDS, Tuberculosis and Malaria is made available to support technical assistance to ensure the quality of such programs.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2004

Mr. FEINGOLD. Mr. President, on August 31, 2002, two American schoolteachers and one Indonesian citizen who were working at an international school for the children of Freeport McMoRan's mine employees were killed, and eight more Americans were wounded, when they were ambushed on a mountain road in Indonesia. Indonesian garrisons reportedly controlled all access to the remote road where the attack occurred. Police reports indicated that the Indonesian military was very likely involved in the attack, but the investigation was then turned over to that same military, where it has stalled. The Indonesian military, to date, has proven unwilling to fully cooperate with the FBI.

The survivors of the attack and the families of the murdered want their government to insist that Indonesia cooperate in uncovering the truth about the ambush and in bringing those responsible to justice. The Senate should support them.

The House already has. Congressman HEFLEY of Colorado offered an amendment linking resolution of this issue to Indonesia's access to the International Military Education and Training program when the House considered the Foreign Operations Appropriations bill. His amendment was accepted by unanimous consent. The Senate should send an equally unequivocal signal.

Today I offered an amendment, with the support of Senators CAMPBELL and WYDEN, to do just that. I appreciate the support of the managers, Senators MCCONNELL and LEAHY, who have accepted this amendment into the larger bill. I also appreciate the efforts of Senator ALLARD, who shares my interest in this issue.

My amendment is not out of step with current policy. I would like to call my colleagues' attention to an article from the October 23 edition of the Australian Financial Review. The article states that, during their recent talks in Bali, ''Mr. Bush told Mrs. Megawati military relations could not resume until Jakarta had completed a full investigation into the killing of two Americans near the Freeport mine in Timika in Indonesia's Papua province last year.'' Our President was right to make that point. There can be no ''business as usual'' when it comes to the murder of American citizens, and there can be no ''business as usual'' until the FBI has received full cooperation, and any perpetrators uncovered by the investigation are held accountable for their actions.

This amendment simply makes it clear that the Senate wholeheartedly endorses that policy. It states that the full normalization of the military relationship between the United States and Indonesia cannot begin until the FBI has received full cooperation, not partial cooperation, in its investigation, and individuals found to be responsible are brought to justice. I am pleased that the Senate has taken action to make certain that our resolve is firm and our signal perfectly clear.

AMENDMENT NO. 2020

Mr. MCCONNELL. Mr. President, I also have an amendment by Senator FEINGOLD that has been approved on both sides. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. FEINGOLD, proposes an amendment numbered 2020.

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

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

The amendment is as follows:

(Purpose: To provide funds to support the development of responsible justice and reconciliation mechanisms in central Africa)

On page 147, between lines 6 and 7, insert the following:

RESPONSIBLE JUSTICE AND RECONCILIATION MECHANISMS IN CENTRAL AFRICA

SEC. 692. (a) Of the funds appropriated under title II under the heading ''ECONOMIC SUPPORT FUND'', $12,000,000 should be made available to support the development of responsible justice and reconciliation mechanisms in the Democratic Republic of the Congo, Rwanda, Burundi, and Uganda, including programs to increase awareness of gender-based violence and improve local capacity to prevent and respond to such violence.

Mr. MCCONNELL. Mr. President, I am aware of no opposition to the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2020) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I ask unanimous consent that Senator GREGG be added as a cosponsor to amendment No. 1968 relating to the Leahy amendment on war crimes in Africa.

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

Mr. MCCONNELL. Mr. President, we are very close to completing the bill. We have a couple of problems on this side that are not yet worked out. We have a few more amendments we are working on which we are going to clear tonight. For the moment, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1966

Mr. SESSIONS. Mr. President, I would like to share a few comments about the DeWine-Durbin amendment. It is well meaning. It is dealing with a critical subject that I am particularly interested in: the spread of AIDS in Africa.

I think we can do better in a lot of ways about how to confront that issue. I appreciate Senator MCCONNELL and Senator LEAHY today agreeing to an amendment that I proposed to deal with the medical transmission of AIDS. But I would just say a couple of things here.

We are moving to a historic increase in the amount of money we are spending for AIDS. The $15 billion we have approved is quite a significant increase in this important effort throughout the world, particularly in Africa.

If this amendment is passed, it would add another $289 million to the $2 billion that was requested by the President. I would like to offer into the RECORD and quote from a letter dated October 16 to Chairman STEVENS of the Appropriations Committee from Mr. Joseph O'Neill, deputy coordinator and chief medical officer, Office of the Global AIDS Coordinator.

As I said, this is in his letter of October 16:

Dear Chairman STEVENS: It is my understanding that an amendment regarding funding for HIV/AIDS, tuberculosis and malaria may be offered today to the Fiscal Year 2004 Supplemental Appropriations bill currently under consideration on the Senate floor.

I want to reiterate the Administration's strong support for the Fiscal Year 2004 budget request of $2 billion for all international HIV/AIDS, tuberculosis and malaria activities, including $200 million for the Global Fund to Fight HIV/AIDS, Tuberculosis and Malaria, as part of the President's larger commitment to spend $15 billion over the next five years through the Emergency Plan for AIDS Relief. I also want to highlight that it is by careful design that the President's Fiscal Year 2004 budget request is for $2 billion.

The cornerstone of the President's Emergency Plan for AIDS Relief is its focused approach to use $9 billion in new funding over the next five years to bring comprehensive and integrated HIV/AIDS prevention, care and large-scale antiretroviral treatment to 14 countries in Africa and the Caribbean. These countries are home to nearly 70 percent of HIV-infected persons in Africa and the Caribbean and 50 percent of the HIV-infected persons in the world. There are considerable challenges inherent in meeting the bold goals the President has set for these 14 countries which must be addressed in the early years of implementation. We believe it is important to ramp up spending on these countries in a focused manner, increasing the amount spent each year to efficiently and effectively create the necessary training, technology, and infrastructure base needed to deliver appropriate long-term medical treatment in a sustainable and accountable way.

That is a mouthful, but I think it says some valuable things. This administration believes we have to effectively utilize the money, and it takes some time. It is certainly necessary for training, technology, and infrastructure that there be a base of that before we can fully implement and spend this extra amount of money we intend to spend.

It goes on to say:

Similarly, the U.S. Government support for the Global Fund to Fight AIDS, Tuberculosis and Malaria is strong. Currently, the United States is responsible for 40 percent of all contributions made to the Global Fund. We have reached a critical time in the Global Fund's development, and other nations must join the United States in supporting the work of the Global Fund.

For the reasons stated above, the Administration strongly opposes any efforts to increase funding beyond the $2 billion requested in the President's Fiscal Year 2004 budget. I appreciate your support on this issue and look forward to the continued strong bipartisan support of the Senate in ensuring the success of this lifesaving initiative. It is signed: Joseph F. O'Neill, MD, Deputy Coordinator and Chief Medical Officer, Office of the Global AIDS Coordinator.

One of our Senators, Mr. ALEXANDER, on September 3 made this statement. It has a lot of truth to it. He came back from a trip to Africa. He wrote an op-ed piece. He gave 10 very wise and practical bits of advice to the leadership in this AIDS effort on the Senate floor on September 3. This is one of his final bits of advice on how to handle the situation.

Finally, move fast, but do not spend too fast. I imagine we are going to have a pretty good debate about that in the Senate. I have already heard some people say let's spend $2 billion and others say let's spend $2.5 and others say let's spend $3 billion. The fact is, we are going to spend $15 billion of taxpayers' money in fighting HIV/AIDS in 14 countries and the Caribbean. We are going to do it over 5 years. We need to keep in mind that the African system cannot absorb too much money too quickly. There are treatment guidelines to prepare and to teach. They are very complicated. There is a staff to recruit. There are patients to find and persuade. There are health care organizations to establish.

This amendment unfortunately is not offset. I would be very interested in seeing if we could fund this or we could utilize this money. I am very reluctant to not support an amendment Senator DEWINE has worked so hard on. He is a person committed to doing the right thing. He is a person committed to fighting AIDS. He wants to see us do even more than we are doing. I respect that. I admire him terrifically. He has been around this world. He has met people who are suffering. He wants to help, as we all do.

But the problem is, we agreed to a budget. I serve on the Budget Committee. That budget is a very serious matter. We decided we could spend only so much money. This foreign operations bill has a limit on the amount of money we have agreed to spend in foreign operations. If this amendment were to frame itself in terms of having an offset, that it would fund this $289 million out of the billions of dollars in this account and would show where we could withdraw and reduce some of those other accounts, I would be very tempted to support Senator DEWINE's amendment. Unfortunately, it does not. It spends on top of the budget. It increases and breaks the budget. It is $289 million above the amount we have agreed we could afford to spend. I can't see us doing that.

There are so many good ideas here. There are so many things we can do in this country and outside of this country. We have another increase in spending this year in our Federal appropriations bills. We would all like to spend more on projects than we are able to. But we have an increase that is not slashing our budget. We are not cutting our budget, even though we are going to set a record this year for deficit spending. We are going to set a record in deficit spending this year. But we can't continue to break the budget we fought so hard to create, a budget most of us committed to staying with.

Maybe somewhere, as this process goes along, there can be some offsets that can help increase funding for the Global AIDS Program. I hope so. But I have, as so many have, voted against extra spending for things I care about—IDEA, kids in school, education, highways, matters I believe in and care about, when they exceed our budget. I have not been able to support them. I will not be able to support this one.

I know all of us have priorities, items we care passionately about. I certainly do. I know Senators DEWINE and DURBIN do. I respect their concerns and their passion. We are going to have a huge increase in spending for HIV/AIDS in Africa. It is the right thing to do. I have had two hearings in the HELP Committee on which I am a member on the AIDS problem in Africa. I have concluded we can do more for medical care. The amendment I crafted deals with rearranging the moneys we plan to expend to focus on that problem which can result in the greatest immediate decline in infections of any other action we could take. I cannot go along with breaking the budget on this matter. I hope we can work on it. I will certainly be willing to work with the Senator and we will see what we can do to increase this funding as we can.

The budget is an important matter. We don't need to get in the habit of breaking it. I will not vote to break it in this instance.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

REFORESTATION PROGRAM IN AFGHANISTAN

Mr. CRAIG. Mr. President, I thank Chairman MCCONNELL for the hard work he has put into the Fiscal Year 2004 Foreign Operations and Related Agencies Appropriations bill. It is a challenging process, and he has done an excellent job balancing competing interests within the confines of a limited budget allocation.

I wish to engage in a colloquy with the distinguished chairman of the Subcommittee regarding the development of a reforestation program in Afghanistan. In this appropriations bill, with the adoption of an amendment the chairman and ranking member and I have worked on, $5 million is to further a reforestation program in Afghanistan. I recently traveled to the Middle East with the chairman and witnessed first hand the devastating conditions of the natural landscape in Afghanistan.

As the chairman of Public Lands and Forestry Subcommittee, it saddens me to see the degradation that has occurred to the natural landscape of this country. Years of war and poverty have put a great strain on the ecosystems of this country. It is time to put an end to the denuding of the hillsides and turn them back to their brilliant shades of green.

I would like to see this funding be used to develop a reforestation program for the country. I think it is important to cultivate the native species to replenish and rejuvenate the area to provide additional opportunities for recreation, wildlife, and business development. The intent of this provision is that the expertise and skill of land grant universities, such as the University of Idaho, should be used to assist in developing this program. I also feel that this is an area in which the private sector could lend their assistant with both the development of the program and the reforestation of the country. Again, there are also leading edge forest products companies in my State like Potlatch Corporation and Boise Cascade who also have expertise of their own and a long time working relationship with the university.

This is an opportunity, through active management, to change the fate of the natural landscape of Afghanistan.

Mr. MCCONNELL. I commend the Senator for his interest in this project and look forward to the development of the reforestation program.

LANDMINE AWARENESS PROGRAMS FOR AFGHAN CHILDREN

Mr. DODD. Mr. President, for over two decades, the Afghan people have endured conflict and internal unrest. And although they are now in the process of rebuilding their country, for many, safety remains elusive. One reason is the continued presence of landmines, which were put into use by occupying powers and governments such as the Soviet Union and Taliban. Unfortunately, these weapons, whose danger is recognized by nations throughout the world, remain a major threat to the safety of ordinary Afghans—especially children.

I know my colleague, Senator LEAHY, has been a leader in calling the world's attention to the dangers created by land mines and the obligation of the United States and other governments to help ensure that innocent civilians, especially children, are not killed or critically injured by land mines and unexploded ordnance left behind after armed conflict ceases.

There are now over 10 million land mines throughout Afghanistan. This number is truly staggering. It is estimated that the process of clearing these devices could take up to 25 years—almost three decades. These land mines pose a tremendous danger to the children of Afghanistan. As my colleagues may be aware, Afghan children often perform a variety of chores that entails their passage through mine-laden fields. In fact, as several types of mines are small and brightly colored, children can be tempted to pick them up or to play with them. Too often, young Afghans die or lose a limb as a result of landmine-related incidents. Indeed, every month, 150 Afghans are injured by landmines, and many of these are children.

We need to help these innocent children. We need to protect them not only from the horrors of war, but from the dangers that are left behind. Let me call to the attention of my colleagues an ideal organization to further this effort. Its name is ''No Strings,'' and it is a new aid organization that seeks to use theater and puppetry to provide life-saving education about landmines to children in Afghanistan. ''No Strings'' is composed of two main groups: one with a broad background in humanitarian relief organizations, and the other with extensive experience in the field of children's educational entertainment and puppetry. I believe my colleague, Senator LEAHY also is aware of this organization.

I had intended to offer an amendment so that, ''No Strings''—and other worthy organizations—would be able to engage Afghan children and teach them life saving mine safety lessons. Clearly, we must act in order to help to protect a generation of Afghans. However, since Senator LEAHY has generously offered to join with me in discussing this matter with appropriate officials at the State Department to encourage the Department to fund innovative programs like ''No Strings,'' I will withhold offering the amendment at this time.

Mr. LEAHY. Mr. President, I concur with my colleague from Connecticut that we need to give special attention to children in Afghanistan and elsewhere who are being put at risk by landmines and unexploded ordnances that are a dangerous byproduct of the civil conflict in that country. Creative ways to teach children about the dangers that landmines and unexploded ordnances pose is critically needed to prevent any more innocent Afghani children from being killed or crippled. I believe that organizations, such as ''No Strings'' which has been mentioned by Senator DODD, that are prepared to develop novel programs to protect children from the dangers of landmines are worthy of US support. I look forward to working with Senator DODD in support of funding for such important projects.

INTERNATIONAL WATER SECURITY CENTER

Mr. LEAHY. I would like to ask the assistant minority leader two or three questions about international water security. First, what do we mean by water security and what is its relevance to foreign operations?

Mr. REID. I appreciate the question asked by my friend, the senior Senator from Vermont. As you know, water is vital for the life and health of people and ecosystems and a basic requirement for the development of countries. Yet, around the world, people lack access to adequate and safe water to meet their most basic needs. Water resources and the related ecosystems that provide and sustain them are under threat from pollution, unsustainable use, land-use changes, climate change and many other forces. Water shortages and degradation disproportionately affect arid regions of the world, many of which lack the technical and financial wherewithal to effectively address the problems. Water and poverty are closely related. In areas of water scarcity, the poor are hit first and hardest. Conversely, water is the single factor most limiting economic development in many arid regions. There is, of course, a huge diversity of needs and situations around the world, but together we have one common goal: to provide water security. This means ensuring that freshwater, coastal and related ecosystems are protected and improved; that sustainable development and political stability are promoted; and that every person has access to enough safe water at an affordable cost to lead a healthy and productive life.

Water security is closely linked to national security. As we in the west are fond of saying, ''whiskey is for drinking; water is for fighting.'' That may sound tongue-in-cheek, but in reality, there exists a long history of international tensions and conflicts over water resources, the use of water systems as weapons during war, and the targeting of water systems during conflicts caused by other factors. Strategic areas of the Middle East, South and Central Asia, South America and North Africa are plagued by recurring tensions over transboundary allocation of scarce water resources.

Mr. McCONNELL. I understand that over 1 billion people do not have access to safe and secure sources of drinking water. Does my friend from Nevada have any thoughts on additional actions this subcommittee can take to promote international water security?

Mr. REID. I appreciate the question from my friend, the senior Senator from Kentucky. To achieve water security, we face the serious challenges of meeting basic needs, securing the food supply, protecting ecosystems, sharing water resources, managing risks, valuing water, and involving stakeholders in governing water wisely, while maintaining a balance between social, political, cultural, environment needs. The challenges are formidable, but so are the opportunities.

There are many experiences around the world that can be built upon. For example, through our experiences in managing scarce water resources in the desert State of Nevada, we have gained a valuable knowledge base upon which other arid and water-starved regions can build. Scientists in our university system are recognized among the foremost world leaders in water management in these lands. As an important initiative to increase water security, they have prepared an impressive proposal to launch an International Water Security Center.

Mr. LEAHY. What do you envision as the role of an International Water Security Center?

Mr. REID. The center would be a clearinghouse for scientific research in support of water conflict resolution. As a focal point for advanced research and education in water security issues, it would bring together scientists, engineers, water managers, and policy

makers from arid and other water-starved regions worldwide. Through collaborative research exchanges, the center would promote long-term capacity building in developing countries, which would benefit from our leadership in desalinization, water treatment, hydrologic modeling, water-use efficiency, and other technical approaches. The center would also support education of young Americans in international water policy and security, an area of expertise that we will certainly need in the future. The wide spectrum of cultures and landscapes would broaden the outlook of everyone involved, fostering the multidisciplinary approaches needed to ensure project viability and longevity.

Mr. MCCONNELL. Where might the center be based?

Mr. REID. The University and Community College System of Nevada would provide an excellent home for the center. Through the research and educational programs undertaken by its major institutions, this University System is known throughout the world for its expertise in water resource and watershed management. For example, the Desert Research Institute, or DRI, is a unique blend of academia and entrepreneurship. Grounded in fundamental research, DRI and its Center for Watersheds and Environmental Sustainability apply scientific understanding to the management of scarce water resources in countries around the world while addressing needs for economic diversification and science-based education.

The University of Nevada, Reno, and University of Nevada, Las Vegas collaborate with DRI and conduct nationally recognized research and educational programs in their own right. The University of Nevada, Reno, UNR, has one of the Nation's largest and well-known education programs in the study of groundwater. A new international program at UNR sends undergraduate and graduate students to work with local villagers in some of the world's most impoverished nations. This training works both ways, helping the world's poorest people and training American students to work safely and effectively overseas. At the University of Nevada, Las Vegas, UNLV, the interdisciplinary educational program in Water Resource Management considers the scientific and engineering aspects of the hydrologic sciences within the context of policy and management issues related to water and water security. The expertise of UNLV's William S. Boyd School of Law in the field of water rights and water allocations is also a fundamental to this program.

With its strong tradition of fundamental research and collaboration, the University and Community College System of Nevada is perfectly poised to host an International Water Security Center. The University System is overseen by a chancellor and a 13-member Board of Regents.

Mr. LEAHY. How much funding is requested and how would it be used?

Mr. REID. I am requesting an annual appropriation of $1.25 million dollars each year for the next 3 years. This funding would be used to develop an administrative structure, identify potential collaborators and projects, initiate ''seed'' projects, educate and train American students in water security, launch research initiatives, and develop and implement a plan for continued center activities without the need for additional Congressional appropriations. The funding would be administered by the University of Nevada Chancellor's office, and made available to scientists and researchers throughout the University System. The Chancellor's office has a long tradition and expertise in administering federal, state and non-profit research grants.

Mr. NICKLES. Mr. President, S. 1426, the fiscal year 2004 Foreign Operations, Export Financing, and Related Programs Appropriations Act for 2004, as reported by the Senate Committee on Appropriations provides $18.1 billion in discretionary budget authority and $20.3 billion in discretionary outlays in fiscal year 2004 for Foreign Operations appropriations. This bill contains about two-thirds of total international affairs spending in the budget. The bill funds U.S. Export and Investment Assistance, Bilateral Economic Assistance, Military Assistance, and Multilateral Economic Assistance.

The bill equals the Subcommittee's 302(b) allocation for budget authority and is $9 million in outlays below the 302(b) allocation. The bill provides $796 million less in budget authority and $713 million less in outlays than the President's budget request. The bill provides $5.6 billion in budget authority less and $148 million in outlays more than the 2003 enacted level including 2003 supplemental appropriations. Excluding those supplemental appropriations, the bill provides a $1.866 billion increase over last year, or 11.5 percent.

I am concerned about a proposed amendment that would add funds for Global HIV/AIDs programs without providing an offset within the bill. Any amendments that add funding without offsets will have a budget act violation and I will not be able to support them.

I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be printed in the RECORD.

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

S. 1426, FOREIGN OPERATIONS APPROPRIATIONS, 2004.—SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal year 2004, dollars in millions]

	General purpose	Mandatory	Total
Senate-reported bill:			
Budget authority	18,093	44	18,137
Outlays	20,294	44	20,338
Senate Committee allocation:			
Budget authority	18,093	44	18,137
Outlays	20,303	44	20,347
2003 level:			
Budget authority	23,708	45	23,753
Outlays	20,146	45	20,191
President's request:			
Budget authority	18,889	44	18,933
Outlays	21,007	44	21,051
House-passed bill:			
Budget authority	17,119	44	17,163
Outlays	20,182	44	20,226
Senate-Reported Bill Compared To			
Senate 302(b) allocation:			
Budget authority	0	0	0
Outlays	−9	0	−9
2003 level:			
Budget authority	−5,615	−1	−5,616
Outlays	148	−1	147
President's request:			
Budget authority	−796	0	−796
Outlays	−713	0	−713
House-passed bill:			
Budget authority	974	0	974
Outlays	112	0	112

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Mr. MCCONNELL. Mr. President, I take a brief moment to draw the attention of my colleagues to the situation in Cambodia, and in particular to the continued courage and determination of the Alliance of Democrats.

The Alliance—which consists of the opposition Sam Rainsy Party and the royalist FUNCINPEC party—has taken a bold stand for freedom in Cambodia in the wake of flawed parliamentary elections last July. Despite intimidation and pressure from the ruling Cambodian People's Party, CPP, the Alliance is refusing to enter into a coalition government that is led by Prime Minister Hun Sen—himself an enemy of democracy and justice.

Having met with Alliance leaders in Washington not too long ago, and having personally traveled to Cambodia in 1998, I can appreciate their refusal to allow Hun Sen to continue to mislead that country. In the past, senior Alliance leaders have been targets of assassination attempts, a bloody coup d'etat staged by the CPP, and imprisonment and political exile. Under Hun Sen's misrule, terrorists, criminal triads and pederasts find a haven in Cambodia. Corruption is the norm in that country, as are politically motivated killings.

It might interest my colleagues to know that there have been two high profile shootings in Phnom Penh over the past several weeks, both victims being affiliated with the FUNCINPEC party. Reporter Chour Chetharith was murdered outside the Ta Prohm radio station. According to press reports, the ''execution-style killing followed a warning by Prime Minister Hun Sen . . . that Ta Prohm should stop broadcasting programs critical of his speeches.''

Pop singer Touch Sunnich was shot a few short days ago—her only crime apparently being a supporter of non-CPP party. My heart goes out to these victims and their families.

It is not enough for the diplomatic community to condemn this killing. It

is past time that someone is held accountable for all the lawlessness, violence, and corruption that unfortunately has become the norm in Cambodia. I offer to my colleagues that the Alliance is trying to do just that by holding Hun Sen accountable—and they deserve the full backing and support of the international community.

Let me close by expressing my great disappointment with the U.S. Embassy in Phnom Penh. Recently, they issued a visa to travel to the United States to a notorious human rights abuser and gangster in Cambodia—Chief of the National Police Hok Lundy. Why the Embassy would issue a visa to someone considered by many of his own compatriots to be a terrorist is beyond me. It is no understatement that Hok Lundy is the Li Peng of Cambodia—and should be held accountable for the violence following the 1998 elections.

AMENDMENTS NOS. 2021, 2022, 2023, AND 2024, EN BLOC

Mr. MCCONNELL. Mr. President, there are four remaining amendments that have been cleared on both sides: One by Senator BROWNBACK providing funds for certain programs in Tibet; Senator LEAHY, additional funds for the related accounts; Senator KENNEDY regarding HIV/AIDS; Senator FRIST, myself, Senator LEAHY, technical clarifications on HIV/AIDS. I send these four amendments to the desk and ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

Without objection, the amendments are agreed to en bloc.

The amendments were agreed to, as follows:

AMENDMENT NO. 2021

(Purpose: To provide for the use of not less than $3,000,000 by the Bridge Fund for certain programs in Tibet)

On page 77, beginning on line 20, strike ''not to exceed $3,000,000 may be made available to nongovernmental organizations to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in the Tibetan Autonomous Region and in other Tibetan communities in China:'' and insert ''not to exceed $4,000,000 shall be provided to nongovernmental organizations to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in the Tibetan Autonomous Region and in other Tibetan communities in China, of which up to $3,000,000 may be made available for the Bridge Fund of the Rockefeller Philanthropic Advisors to support such activities:''.

AMENDMENT NO. 2022

On page 53, line 21, strike ''$8,898,000'' and insert in lieu thereof the following: $898,000

On page 55, line 26, strike ''$314,550,000'' and insert in lieu thereof the following: $322,550,000

AMENDMENT NO. 2023

(Purpose: To provide for the disclosure of prices paid for HIV/AIDS medicines in developing countries)

At the appropriate place, insert the following:

SEC. ___. The Secretary of State should make publicly available prices paid to purchase HIV/AIDS pharmaceuticals, antiviral therapies, and other appropriate medicines, including medicines to treat opportunistic infections, for the treatment of people with HIV/AIDS and the prevention of mother-to-child transmission of HIV/AIDS in developing countries—

(1) through the use of funds appropriated under this Act; and

(2) to the extent available, by—

(A) the World Health Organization; and

(B) the Global Fund to Fight AIDS, Tuberculosis, and Malaria.

AMENDMENT NO. 2024

(Purpose: To modify provisions relating to activities for the prevention, treatment, and control of HIV/AIDS)

On page 22, strike line 3 and insert the following:

ACTIVITIES TO COMBAT HIV/AIDS GLOBALLY FUND

On page 22, line 10, insert ''except for the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.) as amended by section 692 of this Act,'' after ''law,''.

On page 74, line 22, insert ''except for the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.) as amended by section 692 of this Act'' before the colon.

On page 147, between lines 6 and 7, insert the following new section:

ASSISTANCE FOR HIV/AIDS

SEC. 692. The United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.) is amended—

(1) in section 202(d)(4)(A), by adding at the end the following new clause:

''(vi) for the purposes of clause (i), 'funds contributed to the Global Fund from all sources' means funds contributed to the Global Fund at any time during fiscal years 2004 through 2008 that are not contributed to fulfill a commitment made for a fiscal year prior to fiscal year 2004.'';

(2) in section 202(d)(4)(B), by adding at the end the following new clause:

''(iv) Notwithstanding clause (i), after July 1 of each of the fiscal years 2004 through 2008, any amount made available under this subsection that is withheld by reason of subparagraph (A)(i) is authorized to be made available to carry out sections 104A, 104B, and 104C of the Foreign Assistance Act of 1961 (as added by title III of this Act). ''; and

(3) in section 301(f), by inserting '', except that this subsection shall not apply to the Global Fund to Fight AIDS, Tuberculosis and Malaria or to any United Nations voluntary agency'' after ''trafficking''.

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

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

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

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

FOREST FIRES

Mr. CRAIG. Mr. President, I come to the Chamber to express my profound sorrow to the families in southern California who have lost their homes and some who have lost their loved ones during this conflagration of fire. I extend my sympathy to the millions of citizens in southern California who have lost part of their rural refuge to these massive wildfires.

Thirteen fires are burning an estimated 600,000 acres of brush and trees, and over 1,900 structures, as of this morning, have been burned. The fire has put thousands of others at risk and, of course, land and mud slides will come with the winter rains. More than 50,000 people have been evacuated as we speak. Over $20 million has been spent thus far on fire suppression.

Yesterday our President declared Los Angeles, San Bernardino, San Diego, and Ventura Counties as major disaster areas and ordered Federal aid to supplement State and local recovery efforts.

The Old Fire, which started Saturday morning and by Sunday had merged with the Grand Prix Fire, had grown to over 52,000 acres in only a matter of a few hours. It is expected now, as we speak, to consume Lake Arrowhead today. Many firefighters on the ground are describing this fire as Armageddon. For communities such as Lake Arrowhead, that have been suffering through the third year of western bark beetle epidemic, the fire was their worst nightmare. Now it has come true.

In the San Bernardino greater forest area around Lake Arrowhead, over 90,000 acres are now dead. They are simply kindling, standing, waiting for the wave of fire that is now striking that forest. If the U.S. Forest Service had had a streamlined NEPA and appeals process that recognized the importance of dealing with insects, disease, and damage from windstorms and ice storms, and fire, the Forest Service might have had the opportunity to cut fuel breaks between the live forests and the wildland and the urban interface.

Sadly, the Senate has been fiddling around with H.R. 1904, and now southern California is ablaze. Not all of H.R. 1904 would have been directed to the California problem, but now that we are into the standing timber areas of San Bernardino, and we have watched that forest die through bug infestation, unable to do anything about it, here is where it could have helped. The wildland urban interface, where firebreaks could have been built, where the fire could have come down from the trees and onto the ground, many homes could have been saved.

If the Forest Service didn't approach every project as a one-size-fits-all NEPA process, they might have been able to thin the forest out a little, which would have increased the intensity and strength of the western bark beetle epidemic and perhaps reduce this risk of conflagration.

If a viable forest products industry still existed in the area, one which closed its doors in the mid-1980s due to the Forest Service's failure to manage

and thin the forest through the removal of trees, some of this pain and suffering might have been avoided.

While it is the Forest Service's duty to manage the lands entrusted to them, we in the Congress also must take some blame. It seems that we have forgotten to provide the leadership the agency needs to understand our expectation of them.

This is not new. Many of us have stood on this floor and many experts have spoken on the issue of forest health for a decade—whether it is the lower Sierras or the San Bernardino or the forests of Idaho or all of the Great Basin region of the West. We have 190 million acres now of dead and dying forests. The great tragedy is that California, with the Santa Ana winds that come this time of year, set up the perfect scenario, and now the great tragedy is hitting.

This Congress has to deal with the issue. Senator FEINSTEIN has been on the Senate floor working with it. She and I have worked together with the appropriate committees—the Agriculture Committee, and my colleague, MIKE CRAPO, Senator COCHRAN, Senator DOMENICI—we have all come together to try to solve this problem. We have a solution and it is H.R. 1904, and it is a positive step forward.

It is now time for this Senate to debate this bill, vote it up or down. I see my colleague from California on the floor. I turn to her and most sincerely say, Mr. President, I express great sadness and sorrow for the tragedy now underway in her State. I wish it was over. But the firestorm that is sweeping across southern California today will only die with the winds and when we begin a positive effort at restoring the health of our natural lands and forested areas.

LOCAL LAW ENFORCEMENT ACT OF 2003

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

On March 17, 1999, Murietta, CA, resident Randy Bowen, who is black, was attacked at a party in the Lake Skinner Hills. Bowen's two white assailants were self-proclaimed white supremacists. They first hit Bowen in the head with a bottle and, when he fled, slashed his back using a straight razor. Both men were found guilty of committing a hate crime.

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

THE MENTALLY ILL OFFENDER TREATMENT AND CRIME REDUCTION ACT OF 2003

Mr. LEAHY. Mr. President, the Mentally Ill Offender Treatment and Crime Reduction Act is a good bipartisan bill that would help State and local governments deal effectively with a serious law enforcement and mental health problem—the extent to which mentally ill individuals commit crimes and recidivate without ever receiving appropriate attention from the mental health, law enforcement, or corrections systems. I am pleased that the bill passed the Judiciary Committee unanimously last week, and the Senate unanimously last night.

I have enjoyed working on this bill with Senator DEWINE, who has shown commitment and leadership on this issue. I am also pleased that Senators CANTWELL, DOMENICI, DURBIN, GRASSLEY, and HATCH have joined Senator DEWINE and I as cosponsors of this bill.

The issues this bill addresses have received increasing attention of late. For example, Human Rights Watch released a report just last week discussing the fact ''that jails and prisons have become the Nation's default mental health system.'' The first recommendation in the report was for Congress to enact this bill.

All too often, people with mental illness rotate repeatedly between the criminal justice system and the streets of our communities, committing a series of minor offenses. The ever scarcer time of our law enforcement officers is being occupied by these offenders who divert them from more urgent responsibilities. Meanwhile, offenders find themselves in prisons or jails, where little or no appropriate medical care is available for them. This bill gives State and local governments the tools to break this cycle, for the good of law enforcement, corrections officers, the public safety, and mentally ill offenders themselves.

I held a Judiciary Committee hearing last June on the criminal justice system and mentally ill offenders. At that hearing, we heard from State mental health officials, law enforcement officers, corrections officials, and the representative of counties around our Nation. All of our witnesses agreed that people with untreated mental illness are more likely to commit crimes, and that our State mental health systems, prisons, and jails do not have the resources they need to treat the mentally ill, and prevent crime and recidivism. We know that more than 16 percent of adults incarcerated in U.S. jails and prisons have a mental illness, that about 20 percent of youth in the juvenile justice system have serious mental health problems, and that up to 40 percent of adults who suffer from a serious mental illness will come into contact with the American criminal justice system at some point in their lives. We know these things, but we have not done enough about them at the Federal level, and our State and local officials need our help.

The bill does not mandate a ''one size fits all'' approach to addressing this issue. Rather, it allows grantees to use the funding authorized under the bill for mental health courts or other court-based programs, for training for criminal justice and mental health system personnel, and for better mental health treatment in our communities and within the corrections system. The funding is also generous enough to make a real difference, with $100 million authorized for each of the next two fiscal years. This is an area where government spending can not only do good but can also save money in the long run—a dollar spent today to get mentally ill offenders effective medical care can save many dollars in law enforcement costs in the long run.

This bill has brought law enforcement officers and mental health professionals together, as we have seen at both of the hearings the committee has held on this issue.

Now that we have passed this bill, I would hope the Senate could turn its attention to S. 486, the Paul Wellstone Mental Health Equitable Treatment Act. Senators DOMENICI and KENNEDY introduced this bill in February and it has 66 cosponsors. It would provide for equal insurance coverage for mental health benefits, and would do a great deal to accomplish some of the same objectives we seek to achieve through this bill. I would hope that we could find an hour in the time we have remaining in this session to debate and pass this bipartisan and broadly supported bill.

AUTHORITARIANISM IN RUSSIA

Mr. MCCAIN. Mr. President, the arrest of Russian businessman Mikhail Khodorkovsky by Russian security agents last weekend is of grave consequence to U.S.-Russia relations. It caps a chilling and aggressive turn toward authoritarianism in Vladimir Putin's Russia. It is past time for all friends of Russia, and all who support strong U.S.-Russia relations, to speak out about the ascendant role of the Russian security services in the Kremlin, President Putin's suppression of free media, the government's politicized prosecutions of its opponents, continuing and grievous human rights violations at the hands of the Russian army in Chechnya, and increased Russian meddling, intimidation, and harassment of its sovereign neighbors. American policy must change dramatically as a result of these developments, which have been in evidence for several years, for there can be no stability in U.S.-Russian relations, to say nothing of any strategic partnership, as long as Russia is moving away from the values of freedom and democratic progress so many Russians celebrated when the Soviet Union fell 12 years ago. I will have more to say on this matter, but for the moment I wish to draw my colleagues' attention to an incisive opinion article by Bruce Jackson entitled ''The Failure of Putin's Russia,'' published today

in the Washington Post, and an accompanying Post editorial entitled ''Pedaling Backward.''

I ask unanimous consent that these articles be printed in the RECORD.

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

[From the Washington Post, Oct. 28, 2003]

THE FAILURE OF PUTIN'S RUSSIA

(By Bruce P. Jackson)

Every so often the arrest of one man involves more than the charges he may face and his fate before the court. In these rare instances, the legal proceedings are a distraction from the larger moral and strategic implications, and so they are intended to be. The arrest of Mikhail Khodorkovsky by Russian secret services in Siberia over the weekend is one such arrest.

The ''crimes'' of Khodorkovsky are considerable in the eyes of the special prosecutor and the new regime of former KGB officers who now surround President Vladimir Putin. As chairman of Yukos Oil, Khodorkovsky is a successful businessman who built the largest privately held company in Russia from the wreckage of the Soviet energy sector, converted his firm to Western business practices and entered into merger discussions with American corporate giants. This conduct alone might, in today's Russia, be considered a threat to the state, but the real charge behind the arrest contains much more.

This has been a year in which independent media and major independent business owners in Russia have been put out of business by the strong-arm tactics of the special prosecutor and the newly vigilant Federal Security Service (FSB), the agency that succeeded the KGB. In a climate that progressive Russian business executives compare to the fearful period of the 1950s, Khodorkovsky made the fatal mistake of expressing political opinions and having the temerity to provide financial support to opposition parties.

While this alone is insurrectionary behavior in the increasingly czarist world of President Putin, Khodorkovsky had the additional misfortune of being the last surviving oligarch. For those who have not kept up their Russian, ''oligarch'' is a term of art for ''rich Jews'' who made their money in the massive privatization of Soviet assets in the early 1990s. It is still not a good thing to be a successful Jew in historically anti-Semitic Russia.

Since Putin was elected president in 2000, every major figure exiled or arrested for financial crimes has been Jewish. In dollar terms, we are witnessing the largest illegal expropriation of Jewish property in Europe since the Nazi seizures during the 1930s.

Unfortunately, the implications of Khodorkovsky's arrest go beyond the suppression of democratic voices and the return of official anti-Semitism. This arrest must be seen in the context of increasingly aggressive, military and extrajudicial actions in Ukraine, Moldova, the South Caucasus and Chechnya. In the past month, Putin has demanded that Ukraine sign a concessionary economic treaty; Russian intelligence services have been detected behind election irregularities in Azerbaijan and Georgia and in influence-peddling in Moldova and Abkhazia; and Russian gunboats have confronted the Ukrainian Coast Guard in an illegal attempt to seize a valuable commercial waterway.

For the balance of his first term, Putin has skillfully taken advantage of America's necessary preoccupations with the war on terrorism and the liberation of Iraq. Now Moscow and the capitals of Eastern Europe are watching carefully to see how Washington responds to this latest crackdown. If the United States fails to take a hard line in response to such a high-visibility arrest, chauvinists in the Russian Ministry of Defense and the FSB will correctly conclude that there will be no meaningful response to the reestablishment of a neo-imperial sphere of influence in the new democracies to Russia's south and west. In addition to the expected Cold War thuggery and opportunistic financial seizures, we should expect that the new powers in Russia will rig the crucial elections in Ukraine and Georgia next year and continue to prop up the brutal dictatorship of Alexander Lukashenko in Belarus.

Finally, the incarceration of one man in Moscow's notorious Matrosskaya Tishina Prison poses painful questions for U.S. policy. It is now impossible to argue that President Bush's good-faith efforts at personal diplomacy with Putin have produced democratic outcomes. Indeed, each of Putin's visits to the Crawford ranch and Camp David has been followed by the cynical curtailment of democratic freedom inside Russia. While it remains unclear what positive qualities Bush detected in Putin's soul during their famous meeting in Slovenia, it is abundantly clear that this is the ''soul'' of a would-be Peter the Great.

If anyone should pay a price for the pursuit of thuggish policies, it is Putin. It's difficult to see why the U.S. Senate would even consider repealing the Jackson-Vanik Amendment, the 1974 legislation under which Russia still must receive an annual waiver from the United States to maintain normal trade relations. On the contrary, Congress should probably consider additional sanctions. The FSB-led attack on Russian business has already cost American shareholders multiple billions in their savings. These losses will undoubtedly continue until some element of the rule of law returns to Moscow.

The arrest of one man has sent us a signal that our well-intentioned Russian policy has failed. We must now recognize that there has been a massive suppression of human rights and the imposition of a de facto Cold War-type administration in Moscow. It is not too soon to wonder if we are witnessing the formal beginning of a rollback of the democratic gains we have seen in Central and Eastern Europe, in Ukraine and elsewhere since the fall of the Berlin Wall in 1989.

Obviously, there will be some in Washington who will argue that all the oligarchs are probably guilty of some unspecified crime or another. And that we would be wise not to jeopardize our relationship with Putin for the sake of one man or one company. But there are some who are probably still waiting for the facts of the Dreyfus case before jumping to conclusions. The rest of us already know that we have been played for fools.

[From the Washington Post, Oct. 28, 2003]

PEDALING BACKWARD

Speaking to his cabinet yesterday, Russian President Vladimir Putin dismissed the speculation sparked by last weekend's arrest of Mikhail Khodorkovsky, Russia's richest man. ''Everyone should be equal under the law,'' President Putin said, ''irrespective of how many billions of dollars a person has on his personal or corporate account.''

Would that it were true. Whatever he may or may not have done, Mr. Khodorkovsky, chairman of the Yukos oil company, has not been arrested solely because he may have committed crimes. If the Russian government were to hold all wealthy businessmen to account for the laws they broke while accumulating capital over the past decade, far more people would be under arrest. In fact, Mr. Khodorkovsky's arrest has been widely understood in Russia as a political act—and possibly the beginning of a real change in official Russian attitudes toward private property and capitalism itself.

Mr. Khodorkovsky stands out in Russia because he has made his company and its books more transparent than had any of his rivals. Though the origins of his empire are shady, he is, in some ways, Russia's first real capitalist—and like a real capitalist, he hasn't hesitated to participate openly in the democratic system by donating money to political parties, including those who oppose Mr. Putin. Putting him under arrest sends a clear signal to other Russians that no one is safe from arbitrary prosecution, or from the political whims of the Kremlin.

It's also a signal that the Russian government cares far more about destroying its rivals than it does about genuinely improving the Russian economy. In recent months, there were signs that capital flight from Russia had stabilized, as Russian businessmen slowly began to feel more confident in the country's legal system. Following Mr. Khodorkovsky's arrest, the stock market crashed and the Russian ruble plunged, as rumors of new capital flight abounded. Large investors, including Western oil companies, may be confident they have enough Kremlin connections to stay in the country, but smaller investors are now more likely to stay away.

The Bush administration's reaction to this arrest may determine whether it sticks. Just a few weeks ago, President Bush endorsed ''President Putin's vision for Russia: a country . . . in which democracy and freedom and rule of law thrive.'' It's hard to see how President Putin's ''vision'' can include the rule of law if it also includes arbitrary prosecution. Certainly there are some within the administration who believe that a Russian strategic decision to start rolling back democracy and the rule of law will undermine the Russian-American relationship. But the president himself must now recognize that that is what now may be happening. Mr. Bush may be unable to persuade his friend Vladimir to behave differently, but it is vital that he try. The preservation of democracy in Russia is more than an ideal; it is a crucial U.S. interest.

NATIONAL CYBERSECURITY DAY

Mr. LEAHY. Mr. President, I remind my colleagues of the vital importance of developing, and then maintaining, effective cybersecurity systems in our workplaces, our government offices, and our homes. We have all become acutely aware, as we confront the many possible threats to our national security, that much of our critical infrastructure is now run by computer networks. Illegal access to these networks can compromise the provision of power, telecommunications, and water in an instant. In the private sector, whole industries now rely on information technology in order to function. In addition, millions of Americans depend on their computers to explore the Internet, to access information and entertainment, and to preserve their personal records. At the same time they must protect their most significant, and often intimate, data—such as medical records and credit card information. With all this at risk, effective cybersecurity should be paramount in every corporation, government agency, and personal home.

This past weekend marked National Cybersecurity Day. With the strong efforts of the Federal Trade Commission and the Congressional Internet Caucus, we have come a long way in raising awareness about cybersecurity. The FTC has made a great deal of important information available on their website, and I encourage people to visit that website, at www.ftc.gov. I am proud to be a Senate cochair of the Internet Caucus, along with Senator BURNS, Congressman GOODLATTE, and Congressman BOUCHER. In addition to an impressive array of speakers on all aspects of the Internet, the caucus has begun a series of constituent education seminars, targeted at helping all of us provide better information, assistance, and support to the people in our home states as they grapple with the dizzying possibilities and pitfalls of the Internet.

Our efforts have not been limited to just one day. Last week this body passed important anti-spam legislation that will help to keep unwanted—often illicit—e-mail off the Internet, and off our computer screens. In the Judiciary Committee, we have held hearings recently on the dangers of peer-to-peer technology. This technology has the potential to revolutionize the way people share all sorts of information. But as with any technology, it can be abused. Peer-to-peer networks can be used to distribute child pornography and to expose our children to a host of obscene materials. It can also be used to delve into people's private records or illegally to share copyrighted material.

Pornography, and child pornography in particular, is prevalent on peer-to-peer networks. According to recent reports, as much as 42 percent of peer-to-peer requests are for pornography. What is more, at a recent committee hearing we learned that at least one popular peer-to-peer network does not identify its pornographic material in any way. Thus, advertisements on its network appear just as regularly with child pornography and other obscene content as with scientific reviews and scholarly papers.

Some of the danger of using peer-to-peer networks can be alleviated with good cybersecurity. Reading privacy statements, taking the time to understand the software you are using, as well as keeping filters and antivirus software turned on and up to date, all help. Knowing what your children are doing online is also important. In addition, we have given prosecutors powerful tools to go after the people who threaten our security.

Our efforts must continue. The very nature of cyberspace means that the threat to security is always changing. Our responses must evolve as well, both as individuals and as legislators. I am pleased to be continuing to work with Chairman HATCH as we investigate, not just the peer-to-peer situation, but the larger set of circumstances that may threaten our cybersecurity. As we identify those threats, our primary goal will be to raise awareness about those dangers, and to give citizens and law enforcement the tools they need to protect our rights, to improve our security, and to redress wrongdoing as we continue to develop ever-better cybersecurity systems.

HONORING OUR ARMED FORCES

Mr. NICKLES. Mr. President, in the time since major combat in Iraq has ended and peacekeeping and transitional operations have begun, the United States, our allies and the Iraqi people have accomplished much.

The men and women of our armed forces in particular deserve much praise for their diligence and bravery. They have been given the goal of establishing democracy in Iraq, and their success in this endeavor is directly linked to the freedom and security we enjoy in the homeland. A free and democratic Iraq will stand as a beacon of hope amidst one of the world's most troubled regions.

Fortunately we are now seeing many of the fruits of their labor.

Nearly 760,000 metric tons of food items have been dispatched into Iraq in just one month's time. Health care centers are receiving shipments of health care kits, refrigerators and furniture. Shipments of office supplies including furniture, computers and printers have been received in Iraq and will be used to equip seven essential government ministries.

The Iraqi people are stepping up to provide leadership for their newly liberated country. Crops are being successfully planted in areas that have not produced for years. Iraqis are volunteering for the new Iraqi Army. The Iraqi Nurses Association has initiated a two-day conference to lay the ground work for adequate nursing services in Iraq over the next ten years and close to 30,000 Iraqis have undergone training to be members of Iraq's new police force.

More importantly, representative democracy in Iraq has taken shape. The Iraqi Governing Council has been formed and brings together 25 political leaders from across Iraq. The Council will name Iraqi Ministers, represent the new country internationally, and draft a constitution that will pave the way for national elections leading to a fully sovereign Iraqi government.

Recently, we have confirmed that Saddam Hussein's sons, Uday and Qusay have been killed in a firefight in Mosul. This development has led to an increase in tips from the Iraqi people, one of which led us the capture of 660 surface to air missiles, as well as an increasing confidence among the Iraqi people.

With two thirds of the Hussein regime gone, one has reason to hope that the final piece of the puzzle will soon follow.

And this good news that we are witnessing in Iraq is a direct result of the hard work and dedication of our troops. Were it not for their courage and perseverance, our presence in Iraq would be in vain.

Our military men and women will surely face more difficult days in Iraq, and the Iraqi people will be tested by the responsibilities that come with freedom. The thugs who propped up the previous regime and outside forces with goals of their own continue to cause problems, stir up trouble and initiate violence. Freedom is messy—nowhere more so than in a country that has just shaken off a brutal dictatorship.

Today I rise to honor a man who made the ultimate sacrifice one can make for his country. On August 23, Spec. Stephen M. Scott, 21, of Lawton, OK, died of noncombat-related injuries near Al Fallujah after being evacuated to the 28th Combat Support Hospital.

His wife, Marie Scott remembers her husband as a gentle giant with a very affectionate personality. ''He was amazing,'' she said of Scott. ''He was 6-foot-5 and weighed 225 pounds, but was so gentle . . . If there was a little guy getting picked on he'd be the one to stand up for him.''

Spec. Scott died doing just that. His mission in Iraq was clear: to help the Iraqi people overthrow the shackles of a brutal dictatorship—to help the little guy.

As we watch the dawn of a new day in Iraq, let us never forget that the freedom we enjoy every day in America is bought at a price.

Spec. Scott did not die in vain. He died so that many others could live freely. And for that sacrifice, we are forever indebted. Our thoughts and prayers are with him and his family today and with the troops who are putting their lives on the line in Iraq.

MOVING TO SUSPEND RULE XVI

Mr. DORGAN. Mr. President, I hereby provide notice that I intend to move to suspend rule XVI of the Standing Rules of the Senate for my amendment No. 2000.

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

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

DOMENICI MOTION TO TABLE FEINGOLD-BROWNBACK AMENDMENT TO THE ENERGY BILL

• Mr. KERRY. Mr. President, today I will clarify my position on an amendment offered by Senators FEINGOLD and BROWNBACK to the Energy Bill. Their bipartisan amendment was aimed at protecting small businesses and consumers from efforts to roll back regulations governing utility holding companies. I was absent for the vote, number 315, and at the time, was announced as an ''aye'' in favor of a motion to table the amendment. Through no fault of the distinguished Senator from Nevada

who announced my vote, if I had been here, I would have voted ''nay,'' and supported the amendment which would have required the Federal Energy Regulatory Commission to issue rules ensuring that small businesses can stay competitive with deregulated holding companies. The amendment also would have ensured that these holding companies do not damage the financial standing of small businesses or pass the costs of bad investments to consumers.

Senator FEINGOLD and Senator BROWNBACK were correct. This amendment is just good public policy and would have protected small contractors against big utilities. I appreciate their hard work and dedication to this important issue.●

ADDITIONAL STATEMENTS

TATYANA GORYACHOVA

● Mr. HAGEL. Mr. President, I rise today to recognize Tatyana Goryachova for her contributions to journalism and her strength in the face of extreme adversity. Ms. Goryachova is a Ukrainian newspaper editor who, as a result of her unbiased reporting and journalistic integrity, has suffered threats and physical assault.

A free press is a defining characteristic of a democratic society. A free press in the U.S. is provided for and protected by our Constitution. In Ukraine before the fall of communism in 1991, newspapers were censored and only allowed to publish officially sanctioned positions. While a free press is taking hold in Ukraine, significant pressure remains to publish only stories favorable to government and business interests.

Ms. Goryachova and her husband, Sergey Belousov, have owned and edited the Berdyansk Delovoy in Berdyansk, Ukraine since 1998. As editor, Ms. Goryachova has insisted on evenhanded coverage. The newspaper has exposed corruption in the city government and covered challengers as well as incumbents in city elections—a decision that brought her into conflict with government officials.

Ms. Goryachova's professional choices have made her the subject of severe personal hardships. The Berdyansk Delovoy office was vandalized. Ms. Goryachova's life has been threatened. She was attacked and had acid thrown in her face, causing serious damage to her eyes and skin. Despite this, she has persevered and continued complete coverage at the newspaper.

Ms. Goryachova found an advocate in Hal Foster, an American journalist and Omaha World-Herald correspondent she met at a journalism seminar in Kiev, Ukraine. Mr. Foster arranged to have Ms. Goryachova's eye injuries treated in the United States. He secured an anonymous benefactor who paid for her care.

In addition, the Berdyansk Delovoy needed its own printing press to continue publishing. After hearing Ms. Goryachova's story, Omaha World-Herald Publisher John Gottschalk offered to donate a printing press to the newspaper. The generosity of an anonymous donor and the Omaha World-Herald has ensured that Tatyana Goryachova will have both her eyesight and a strong voice in her community.

U.S. Supreme Court Justice Louis D. Brandeis wrote in 1913 that, ''Sunlight is the best of disinfectants; electric light the most efficient policeman.'' Ms. Goryachova understands that exposing corruption and illuminating Ukraine's darkest corners is the surest way to end abuse and promote democracy. A free press is not only a sign of a thriving democracy, it is an important tool of democracy.

Building a strong democratic tradition takes journalists and citizens like Tatyana Goryachova who are committed to transparency and integrity in government. For her commitment and sacrifices, her contributions to journalism and to democracy, Tatyana Goryachova deserves our recognition and respect.●

ROBERT AND MARGARET SCOTT'S 60TH WEDDING ANNIVERSARY

● Mr. CARPER. Mr. President, I rise today to congratulate Robert and Margaret Scott, better known as Bob and Muff, who will celebrate their 60th wedding anniversary on November 6, 2003.

As they celebrate this milestone in their lives, they will surely reflect on the many changes, successes and accomplishments they have experienced together over the last sixty years. Theirs is a journey of which they can be proud.

Bob is the son of the late Chester and Evangeline Scott. Bob attended Miami University of Ohio for his undergraduate degree and received his master's and PhD in Organic Chemistry from Northwestern University. His wife, Muff, is the daughter of the late Benjamin and Ann Penix. She received her bachelor's and master's degrees in English from the University of Kentucky.

Bob and Muff met and began dating in college. Although their respective schools were over sixty miles apart, a college weekend brought them together. They were married on November 6, 1943 in Morehead, KY.

The Scotts moved to Delaware in 1950, when Bob took a position with Hercules. Over his 35-year career at Hercules, Bob moved from being a bench chemist to a plant chemist, to eventually becoming the Director of Research and Development. Muff divided between raising a family, community service and substitute teaching at area schools. They are blessed with three children, Bob, Ann and Tom, and six grandchildren, Lee, Rob, Joshua, Clarissa, Clay and Lex.

Bob and Muff are active members of the community. Bob is Warden to Delaware's Episcopal Bishop, Wayne Wright, and has been Warden for the last four Bishops in Delaware. The Scott's are also members of Christ Church in Greenville, DE where Bob has often been a vestry member. Bob was also a delegate to the National Episcopal Church Triennial Convention for more than 20 years, during the contentious times when the Episcopal Church first accepted the ordination of women as clergy members and bishops. Reverend John Martiner of Christ Church describes Bob and Muff as a real team. Whether folding church bulletins or volunteering at community events, they are always working together. They are devoted to each other and to their families.

Bob and Muff are also dedicated to St. Michael's School and Nursery, a non-profit institution that provides affordable, high-quality early childhood education and childcare to the community. Both Bob and Muff are on the board of directors. They have served on the board alternately for over 30 years. Helen Riley, the executive director of St. Michael's, describes the Scott's as representing the true spirit of philanthropy. Muff is known as the ''Board Builder'' at St. Michael's. She brings in next generations of families to support the organization. She has involved young children in philanthropy by teaching them to donate their own toys and books, and by showing them the value in volunteering their own time. Bob serves as an advisor to the school and has proven to be reliable and dependable for expert advice from a business standpoint. They often sell books at their church and collect money in tin cans for scholarships and faculty training and advancement.

Today, I rise to congratulate Bob and Muff on their 60th wedding anniversary. Both have shown great service and commitment to their family and their community. They serve as true role models. I know that their years together hold many beautiful memories. It is my hope that those ahead will be filled with continued joy. I wish them both the very best in all that lies ahead.●

COMMENDING STEVE PICCO

● Mr. CORZINE. Mr. President, I wish to commend the work of Steve Picco, who is retiring after 8 years as a board member of the Northeast-Midwest Institute. A two-term chairman of the Institute's Board of Directors, Steve served with leadership, vision, and wit.

Steve has had a distinguished career in New Jersey, with more than 20 years of experience as a regulator and practitioner in the areas of environmental and energy law. He served as Assistant Commissioner in both the New Jersey Department of Environmental Protection and New Jersey Department of Energy and as a member of the New Jersey Economic Development Authority and the Delaware River Basin Commission. He currently is a partner with Reed Smith Shaw and McClay in Princeton.

The Northeast-Midwest Congressional Coalitions and Institute strive to promote the region's economic vitality while preserving its environmental quality. A goal served by our States working together to influence legislative policy important to the region. Steve Picco deserves much praise for his efforts on behalf of the State of New Jersey and for ensuring that the Institute's work is relevant to the key policy issues affecting Northeastern and Midwestern States.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a treaty which was referred to the Committee on Foreign Relations.

MESSAGES FROM THE HOUSE

At 2:40 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that pursuant to section 1002(b) of the Intelligence Authorization Act for Fiscal Year 2003 (50 U.S.C. 401 note), and the order of the House of January 8, 2003, the Speaker appoints the following Member of the House of Representatives to the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community: Mr. HOEKSTRA of Michigan; from private life on the part of the House of Representatives: Mr. K Stuart Shea of Virginia, and Mr. Gardner G. Peckham of Maryland.

The message also announced that pursuant to section 103(c) of Public Law 108–83 (2 U.S.C. 130–2), and the order of the House of January 8, 2003, the Speaker appoints Ms. Martha C. Morrison as Director of the Office of Interparliamentary Affairs of the United States House of Representatives.

At 4:17 p.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 bill, in which it requests the concurrence of the Senate:

H.R. 3175. An act to designate the facility of the United States Postal Service located at 2650 Cleveland Avenue, NW, in Canton, Ohio, as the ''Richard D. Watkins Post Office Building''.

The message also announced that the House has passed the bill (S. 926) to amend section 5379 of title 5, United States Code, to increase the annual and aggregate limits on student loan repayments by Federal agencies, without amendment.

MEASURES REFERRED

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

H.R. 3175. An act to designate the facility of the United States Postal Service located at 2650 Cleveland Avenue, NW in Canton, Ohio, as the ''Richard D. Watkins Post Office Building''; to the Committee on Governmental Affairs.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, October 28, 2003, she had presented to the President of the United States the following enrolled bill:

S. 3. An act to prohibit the procedure commonly known as partial-birth abortion.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INHOFE, from the Committee on Environment and Public Works, with an amendment:

S. 1757. A bill to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts (Rept. No. 108–174).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. ALEXANDER (for himself, Mr. DODD, and Mr. KENNEDY):

S. 1786. A bill to revise and extend the Community Services Block Grant Act, the Low-Income Home Energy Assistance Act of 1981, and the Assets for Independence Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SPECTER:

S. 1787. A bill to establish the Steel Industry National Historic Site in the Commonwealth of Pennsylvania; to the Committee on Energy and Natural Resources.

By Mr. CAMPBELL:

S. 1788. A bill to amend title 40, United States Code, to authorize the Administrator of General Services to lease and redevelop certain Federal property on the Denver Federal Center in Lakewood, Colorado; to the Committee on Governmental Affairs.

By Mr. MILLER:

S. 1789. A bill to authorize the exchange of certain lands within the Martin Luther King, Junior, National Historic Site for lands owned by the City of Atlanta, Georgia, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BAYH (for himself and Mr. LUGAR):

S. 1790. A bill to designate the facility of the United States Postal Service located at 3210 East 10th Street in Bloomington, Indiana, as the ''Francis X. McCloskey Post Office Building''; to the Committee on Governmental Affairs.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 1791. A bill to amend the Lease Lot Conveyance Act of 2002 to provide that the amounts received by the United States under that Act shall be deposited in the reclamation fund, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DOMENICI (for himself, Mr. SCHUMER, Mr. BENNETT, Mr. SANTORUM, Mr. BUNNING, and Mr. WARNER):

S. 1792. A bill to amend the Internal Revenue Code of 1986 to provide the same capital gains treatment for art and collectibles as for other investment property and to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor; to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. DODD, Mr. BINGAMAN, Mrs. MURRAY, Mr. REED, and Mrs. CLINTON):

S. 1793. A bill to provide for college quality, affordability, and diversity, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. HATCH (for himself, Mr. VOINOVICH, Mr. COLEMAN, Ms. COLLINS, Mr. REID, Mrs. BOXER, and Mr. SMITH):

S. Con. Res. 76. A concurrent resolution recognizing that November 2, 2003, shall be dedicated to ''A Tribute to Survivors'' at the United States Holocaust Memorial Museum; to the Committee on the Judiciary.

By Mr. SESSIONS:

S. Con. Res. 77. A concurrent resolution expressing the sense of Congress supporting vigorous enforcement of the Federal obscenity laws; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 377

At the request of Ms. LANDRIEU, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 377, a bill to require the Secretary of the Treasury to mint coins in commemoration of the contributions of Dr. Martin Luther King, Jr., to the United States.

S. 423

At the request of Ms. COLLINS, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 423, a bill to promote health care coverage parity for individuals participating in legal recreational activities or legal transportation activities.

S. 448

At the request of Mr. CORZINE, his name was added as a cosponsor of S. 448, a bill to leave no child behind.

S. 623

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

S. 950

At the request of Mr. ENZI, the names of the Senator from Michigan (Mr.

LEVIN) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 950, a bill to allow travel between the United States and Cuba.

S. 1246

At the request of Mr. ROBERTS, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1246, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 1379

At the request of Mr. JOHNSON, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1422

At the request of Mr. CORZINE, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1422, a bill to provide assistance to train teachers of children with autism spectrum disorders, and for other purposes.

S. 1482

At the request of Mr. INOUYE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1482, a bill to amend the Internal Revenue Code of 1986 to repeal the reduction in the deductible portion of expenses for business meals and entertainment.

S. 1506

At the request of Mr. BUNNING, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1506, a bill to amend the Internal Revenue Code of 1986 to allow distilled spirits wholesalers a credit against income tax for their cost of carrying Federal excise taxes prior to the sale of the product bearing the tax.

S. 1531

At the request of Mr. HATCH, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1531, a bill to require the Secretary of the Treasury to mint coins in commemoration of Chief Justice John Marshall.

S. 1562

At the request of Mr. CRAIG, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1562, a bill to amend selected statutes to clarify existing Federal law as to the treatment of students privately educated at home under state law.

S. 1586

At the request of Mr. SCHUMER, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1586, a bill to authorize appropriate action if the negotiations with the People's Republic of China regarding China's undervalued currency and currency manipulations are not successful.

S. 1645

At the request of Mr. CRAIG, the names of the Senator from Utah (Mr. HATCH), the Senator from Vermont (Mr. LEAHY), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from New Mexico (Mr. DOMENICI), the Senator from Nebraska (Mr. NELSON) and the Senator from North Carolina (Mr. EDWARDS) were added as cosponsors of S. 1645, a bill to provide for the adjustment of status of certain foreign agricultural workers, to amend the Immigration and Nationality Act to reform the H–2A worker program under that Act, to provide a stable, legal agricultural workforce, to extend basic legal protections and better working conditions to more workers, and for other purposes.

S. 1691

At the request of Mr. CORZINE, his name was added as a cosponsor of S. 1691, a bill to establish commissions to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and Jewish refugees during World War II.

S. 1706

At the request of Mr. SCHUMER, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 1706, a bill to improve the National Instant Criminal Background Check System, and for other purposes.

S. 1708

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1708, a bill to provide extended unemployment benefits to displaced workers, and to make other improvements in the unemployment insurance system.

S. 1746

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1746, a bill to designate the facility of the United States Postal Service located at 339 Hicksville Road in Bethpage, New York, as the ''Brian C. Hickey Post Office Building''.

S. 1751

At the request of Mr. GRASSLEY, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1751, a bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes.

S. 1757

At the request of Mr. INHOFE, the names of the Senator from Alaska (Mr. STEVENS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Jersey (Mr. CORZINE), the Senator from South Dakota (Mr. DASCHLE) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 1757, a bill to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts.

S. RES. 244

At the request of Mrs. BOXER, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. Res. 244, a resolution congratulating Shirin Ebadi for winning the 2003 Nobel Peace Prize and commending her for her lifetime of work to promote democracy and human rights.

AMENDMENT NO. 1966

At the request of Mr. DEWINE, the names of the Senator from Utah (Mr. HATCH), the Senator from Pennsylvania (Mr. SPECTER), the Senator from New York (Mrs. CLINTON), the Senator from Massachusetts (Mr. KERRY), the Senator from Maryland (Ms. MIKULSKI) and the Senator from North Carolina (Mr. EDWARDS) were added as cosponsors of amendment No. 1966 proposed to H.R. 2800, a bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1968

At the request of Mr. REID, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of amendment No. 1968 proposed to H.R. 2800, a bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1969

At the request of Mr. BYRD, the names of the Senator from Vermont (Mr. JEFFORDS), the Senator from New Jersey (Mr. CORZINE) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 1969 proposed to H.R. 2800, a bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1970

At the request of Mr. MCCONNELL, the names of the Senator from New Jersey (Mr. CORZINE) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of amendment No. 1970 proposed to H.R. 2800, a bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ALEXANDER (for himself, Mr. DODD, and Mr. KENNEDY):

S. 1786. A bill to revise and extend the Community Services Block Grant Act, the Low-Income Home Energy Assistance Act of 1981, and the Assets for Independence Act; to the Committee on Health, Education, Labor, and Pensions.

Mr. ALEXANDER. Mr. President, today Senator DODD and I are introducing the Poverty Reduction and Prevention Act of 2003. This bi-partisan

bill proposes to reauthorize important legislation that provides meaningful assistance to 18 million Americans seeking to fight their way out of poverty. The bill includes the Community Services Block Grant, the Low-Income Heating and Energy Assistance Program, and the Assets for Independence Program.

Statistics show us that poverty touches a large proportion of Americans over their lifetimes. Sometimes poverty is a chronic condition that persists over several generations. But more often, poverty happens as a consequence of life's unexpected tragedies—illness, job loss, divorce, or disability. These can seriously undermine a family's ability to support itself. What's needed is a safety net in such times of need. Our Poverty Reduction and Prevention Act can provide that help and can make the difference in a family's efforts to fight their way out of poverty become self-sufficient again.

The services of the Poverty Reduction and Prevention Act are provided primarily through Community Action Agencies, created 40 years ago. The heart of these programs are those provided through the Community Services Block Grant, created in 1981. The block grant allows for maximum flexibility to tailor programs to meet local needs with minimal administrative cost. Today the programs touch the lives of almost 25 percent of those living in poverty. These programs fund a state-administered community services network of more than 1000 local agencies that work to alleviate poverty and empower low-income families in communities across the United States. The agencies are very effective in leveraging their funds to mobilize additional resources from local businesses and foundations, as well as other public sources, to make an effective impact in fighting poverty in their communities.

A number of social services are provided that are designed to help low-income individuals and their families achieve a better quality of life. They help people find and keep a good job, get an adequate education, obtain a decent place to live, pay their utility bills, and even learn how to manage a household income.

The Poverty Reduction and Prevention Act has five major themes for its services: to assist families in poverty address their immediate, most basic needs and work toward self-sufficiency; to serve the non-traditional poor who are facing poverty due to unexpected events such as a plant closing or a major illness or injury; to assist special populations, including those dealing with chronic poverty and for whom conventional solutions have failed; to work for systemic change in low-income communities to promote economic development and community revitalization; and to provide direct assistance to help low-income individuals pay their utility bills.

These programs are the true ''safety net'' for millions of low-income and at-risk families and individuals and serve as the centerpiece of most local social service programs in 96 percent of the counties across the country. Last year the programs in the Poverty Reduction and Prevention Act served over 19 million people, primarily through CSBG, serving 13 million, and the Low-Income Heating and Energy Assistance Program, providing assistance to over 5 million.

In Tennessee, over 100,000 individuals were served by CSBG last year, almost 25 percent of whom were disabled. Over 60,000 families were served, 90 percent were living below the federal poverty level, and 40 percent were elderly or disabled families living on a fixed income. And those who are helped in turn help others by volunteering in the programs and giving back to their community. For example, in my home State of Tennessee, long known as the Volunteer State, those who benefitted from these programs gave back to others by working over 190,000 volunteer hours.

And there is good accountability for how those funds are spent in the community. Each agency is governed by a board of directors, a third of which consists of representatives who live in the low-income community, a third are locally elected officials, and the remaining third are community leaders from business, labor, religion, and education.

These programs are not only important to those who receive services; they also make good use of the Federal dollar. Last year in addition to the Federal monies appropriated for these three programs, the community agencies identified other state and local monies and private contributions. In total, local agencies administered over $9 billion on behalf of low-income families and individuals in communities across the country.

In addition to good fiscal accountability and effective use of Federal dollars to leverage additional resources, the programs are a model when it comes to tracking and reporting the outcomes they are helping people achieve. In Tennessee, for example, we know that 43 percent of individuals who were seeking employment were able to find a job, and two-thirds of those jobs included health care coverage. Over 75 percent of those seeking housing assistance were able to move from sub-standard to good, stable housing, and 524 families were moved out of homelessness. Over 85 percent of elderly households assisted were able to continue living independently.

Through LIHEAP in Tennessee, over 72,000 received assistance in paying their utility bills, thereby avoiding having their heating and cooling cut off, which is of very real importance for health and safety as well as quality of life. The high cost of energy is a growing problem for those families trying to get by on a lower income and for our elderly living on fixed incomes.

By helping these people in meaningful ways, the programs administered under the Poverty Reduction and Prevention Act have not only made a difference in thousands of lives but have also saved my state money in significant ways—by avoiding the higher costs of homelessness, reducing the number of people in poverty, reducing the need for nursing homes and institutional care, and providing an important ''bridge'' to help people moving off of welfare achieve permanent self-sufficiency,

While these programs have had many very real successes in the past, as we approached this reauthorization we also looked for ways we could improve the programs and provide even better access to and delivery of these important services. In drafting the reauthorization we gave particular attention to clarifying and strengthening the purpose of these important programs, which, in summary, is to fight and reduce poverty, working in partnerships with community and state leadership.

In this reauthorization we believed it was important to give states greater flexibility in determining who should receive services. We wanted to expand services to the extent possible to assist more of the working poor and their families achieve economic stability and self-sufficiency. While giving more flexibility, we also provided incentives to encourage States to focus on those most in need and to help those transitions from welfare to self-sufficiency. And we strengthened the accountability and monitoring of funds at both the state and local level. We explicitly asked States to hold the line on excessive administrative salaries and expenses, again at both the state and agency level.

In this reauthorization we also wanted to highlight best practices and encourage creativity and innovation in fighting poverty. We called for identifying exemplary local agencies as Centers of Innovation to promote the sharing of best practices among all community agencies.

Focusing on outcomes, we directed local agencies to have established clear goals for reducing poverty in their community and to show that substantial progress is being made in meeting those goals before receiving continuing block grant funds. These goals include leveraging community resources and fostering coordination across Federal, State, local, and private programs and services.

In the area of heating and cooling assistance, we are recommending a significant increase in the funds authorized for this important program, and we have added provisions and specific triggers that allow for better, more effective release of emergency funds for LIHEAP assistance under extraordinary circumstances.

The programs included under the Poverty Reduction and Prevention Act of 2003 are important to millions of Americans who deserve our consideration and need our support. The services touch almost every community in

the country and are often the only source of assistance available to the people the programs are designed to serve. Quite simply, what these services do is help restore dignity to those we serve. Every day one of these programs makes a difference in the lives of our neediest citizens. What this bill can accomplish will make possible a better quality of life for individuals and for neighborhoods and communities across this great land. I join my colleague Senator DODD in urging the passage of this important reauthorization legislation.

Mr. DODD. Mr. President, I am pleased to join Senator ALEXANDER in introducing the Poverty Reduction and Prevention Act, which reauthorizes the Community Services Block Grant, the Low-Income Home Energy Assistance Program, and the Assets for Independence Act. I would especially like to congratulate Senator ALEXANDER, Chairman of the Subcommittee on Children and Families, and his staff for working so hard to ensure that this bill would be a bipartisan piece of legislation.

I, like many of my colleagues, was greatly disturbed by the latest U.S. Census poverty data released last month, which shows that poverty rose to 12.1 percent in 2002, bringing the total number of people living in poverty to 34.6 million. The number of children in poverty rose by 400,000, which means that nearly 17 percent of children are living in poverty. Even more disturbing is that the number of people who lack health insurance rose by 2.4 million in 2002, bringing the total number of uninsured to an alarming 43.6 million. Although the proportion of uninsured children did not change between 2001 and 2002, 11.6 percent of all children remain without the necessary safety net of health insurance. Our children truly are our future; we must treat them like the precious resources that they are and provide them with the services and assistance they need.

There are many troubling signs for families today, particularly families with children. Unemployment continues to be a problem. Families are running out of unemployment benefits without finding jobs. The most recent data from the Department of Health and Human Services shows that welfare caseloads continue to decline overall, but in many States over the last year, caseloads are increasing. With States facing their worst budget crisis since WWII, many programs for low-income families are being cut. This is particularly a problem given that half the states are cutting child care funds. Parents need affordable child care to get and keep jobs. Clearly, this is a time of crisis for our Nation's low-income individuals and families. It is time for our government to help them through these difficult economic times and give them the opportunities and the tools to lift themselves back onto their feet.

The bill that we are introducing today will reaffirm our nation's commitment to alleviating poverty and upholding the American ethos of helping our neighbors. For over 40 years, Community Action Agencies have been using Community Service Block Grant (CSBG) funds to coordinate and deliver comprehensive poverty programs and services to our nation's poor. From administering Head Start programs, to delivering meals to the sick and elderly, providing adult education and literacy, and implementing the Low-Income Home Energy Assistance Program, CSBG funds are reaching and helping nearly a quarter of all people living in poverty in the United States. It goes without saying, that ideally, we would like to reach out to each and every individual and family living in poverty, but this bill is a start. It is a good start. It is a firm commitment to communities that when times are tough, Community Action Agencies will continue to work at the local level to address local needs.

The bill will enhance community flexibility in serving the poor and working poor. I don't need to tell you, that a poor person living in urban New Haven has different needs from an impoverished family living in rural Danielson, CT. The same holds true for Community Action Agencies across our Nation. One Community Action Agency could be using their CSBG funds to teach computer skills in a town where a major manufacturing plant just closed down, while another Community Action Agency is using the same funds to develop rural waste water management systems. I am pleased that this reauthorization retains and strengthens the flexibility that makes CSBG such a unique and successful program, by upholding and strengthening the successful and innovative Results Oriented Management Assessment (ROMA) system of accountability and monitoring procedures.

I am also pleased that reauthorization of this bill will allow crucial assistance to reach more of our country's poor and working poor by setting a minimum eligibility level for assistance at 125 percent of the poverty level and a maximum of 60 percent of the State median income. In Connecticut alone, nearly 32 percent, or 437,492 households, are below 60 percent of the State median income. Conversely, if we had set the maximum at 185 percent of the poverty threshold, we would only reach 269,373 households. By using the State median income as a maximum, not only will this bill be benefitting the Nation's families living in poverty, but it will also assist those working poor families just above the poverty line, including those leaving welfare to make a smooth and permanent transition to self-sufficiency.

The bill also reauthorizes the Low-Income Home Energy Assistance Program, LIHEAP, which allocates grants to States to operate home energy assistance programs for low-income households. According to the most recent data from the Department of Health and Human Services, 4.8 million households received winter heating assistance, 250,000 benefitted from cooling aid and 87,000 received summer crisis aid in fiscal year 2001. This legislation makes funding LIHEAP more responsive to community needs by basing emergency funding triggers on the price of home energy bills and the average number of heating and cooling days in a month. These simple automatic triggers will ensure that LIHEAP funds are readily available in times of crisis.

Again, I would like to congratulate and thank Senator ALEXANDER for his fine work on this bipartisan piece of legislation. I firmly believe that this bill is a step in the right direction. Every day in this chamber and throughout the halls of the Senate, we talk about leaving no child behind, food stamps, comprehensive health care, job training and rural housing assistance. Mr. President, this bill encompasses all of these programs and services, and many more important poverty initiatives. I urge my colleagues to support this legislation and join us in helping to strengthen low income communities, so that we can help more families become self-sufficient. In these tough economic times, families deserve this support.

By Mr. SPECTER:

S. 1787. A bill to establish the Steel Industry National Historic Site in the Commonwealth of Pennsylvania; to the Committee on Energy and Natural Resources.

Mr. SPECTER. Mr. President, I have sought recognition to introduce legislation that will honor the importance of the steel industry in the Commonwealth of Pennsylvania and the Nation by creating the ''Steel Industry National Historic Site'' to be operated by the National Park Service in southwestern Pennsylvania.

The importance of steel to the industrial development of the United States cannot be overstated. A national historic site devoted to the history of the steel industry will afford all Americans the opportunity to celebrate this rich heritage, which is symbolic of the work ethnic endemic to this great Nation. The National Park Service recently reported that Congress should make remnants of the U.S. Steel Homestead Works an affiliate of the national park system, rather than a full national park, which had been considered in prior years, including legislation I offered two years ago in the 107th Congress. Due to the current backlog of maintenance projects at national parks and the resulting moratorium on new national parks, the legislation offered today instead creates a national historic site that would be affiliated with the National Park Service. There is no better place for such a site than in southwestern Pennsylvania, which played a significant role in early industrial America and continues to today.

I have long supported efforts to preserve and enhance this historical steel-related heritage through the Rivers of Steel Heritage Area, which includes the City of Pittsburgh, and seven southwestern Pennsylvania counties: Allegheny, Armstrong, Beaver, Fayette, Greene, Washington and Westmoreland. I have sought and been very pleased with congressional support for the important work within the Rivers of Steel Heritage Area expressed through appropriations levels of roughly $1 million annually since fiscal year 1998. I am hopeful that this support will continue. However, more than just resources are necessary to ensure the historical recognition needed for this important heritage. That is why I am introducing this legislation today.

It is important to note why southwestern Pennsylvania should be the home to the national site that my legislation authorizes. the combination of a strong workforce, valuable natural resources, and Pennsylvania's strategic location in the heavily populated northeastern United States allowed the steel industry to thrive. Today, the remaining buildings and sites devoted to steel production are threatened with further deterioration or destruction. Many of these sites are nationally significant and perfectly suited for the study and interpretation of this crucial period in our Nation's development. Some of these sites include the Carrie Furnace Complex, the Hot Metal Bridges, and the United States Steel Homestead Works, which would all become a part of the Steel Industry National Historic Site under my legislation.

Highlights of such a national historic site would commemorate a wide range of accomplishments and topics for historical preservation and interpretation from industrial process advancements to labor-management relations. It is important to note that the site I seek to become a national site under this bill includes the location of the Battle of Homestead, waged in 1892 between steelworkers and Pinkerton guards. The Battle of Homestead marked a crucial period in the Nation's workers' rights movement. The Commonwealth of Pennsylvania, individuals, and public and private entities have attempted to protect and preserve resources such as the Homestead battleground and the Hot Metal Bridge. For the benefit and inspiration of present and future generations, it is time for the Federal Government to join this effort to recognize their importance with the additional protection I provide in this bill.

I would like to commend my colleague, Representative MIKE DOYLE, who has been a longstanding leader in this preservation effort and who sponsors the companion legislation, H.R. 521, pending in the House of Representatives. I look forward to working with southwestern Pennsylvania officials and Mr. August Carlino, President and Chief Executive Office of the Steel Industry Heritage Corporation, in order to bring this national historic site to fruition. I urge my colleagues to cosponsor this legislation and I intend to work for its swift passage.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 1791. A bill to amend the Lease Lot Conveyance Act of 2002 to provide that the amounts received by the United States under that Act shall be deposited in the reclamation fund, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. DOMENICI. Mr. President, I rise today to introduce a bill that would greatly benefit one of the largest irrigation districts in Southern New Mexico. Last Congress, H.R. 706, the Elephant Butte Lease Lott Conveyance Act, passed the House and Senate unanimously. The purpose of the original bill was to provide security to 403 lease lot holders who were interested in purchasing property currently being leased to them by the Bureau of Reclamation. Many of the lease holders had, at the urging of the Federal Government, invested time and money into improving these lots, including the addition in many cases of permanent fixtures. The bill I bring today would amend that Act by clarifying where the proceeds from the sale of these lands would be deposited.

With regard to proceeds, the late Honorable Howard Bratton, a former Federal District Court judge for the District of New Mexico, ruled in 1992 and in 1997 that the Elephant Butte Irrigation District was entitled to net profits generated from the leasing of grazing and farm lands of the Rio Grande Project. I would just mention that while the latest in these rulings was handed down almost 6 years ago, the District has yet to receive these profits. I understand the Bureau of Reclamation, at the urging of the Federal District Court, has told the Elephant Butte Irrigations District that it will rectify this situation in fiscal year 2004. I intend to closely monitor that situation.

The Lease Lot Conveyance Act of 2002 is silent with regard to any crediting of the proceeds from the sale of the 403 lease lots. Reclamation has taken the position that the proceeds should be credited to the Reclamation Fund. I would just like to note that the repayment obligations of the District were met and title was transferred to the District in the early nineties. The District, therefore, believes that under current law and the opinions of the Federal District Court in New Mexico, they would be entitled to these funds.

The bill I am introducing today makes it clear that the proceeds of the sale should go to the irrigation district instead of to the Reclamation fund. With Reclamation expenses continually escalating, I have been told by the District that they would utilize these proceeds to offset on-going operation and maintenance costs.

While the appraisal of these lands is still pending I do want to be clear that we are only talking about roughly 250 acres out of the total 78,000 acres compromising the Elephant Butte and Caballo Reservoir boundaries. I believe it is reasonable to allow these funds to go to the District. I hope the Senate will act expeditiously on this matter, so that the process can continue to move forward as we intended it to.

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:

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

SECTION 1. LEASE LOT CONVEYANCE.

Section 4(b) of the Lease Lot Conveyance Act of 2002 (116 Stat. 2879) is amended—

(1) by striking ''As consideration'' and inserting the following:

''(1) IN GENERAL.—As consideration''; and

(2) by adding at the end the following:

''(2) USE.—Amounts received under paragraph (1) shall be—

''(A) deposited by the Secretary, on behalf of the Rio Grande Project, in the reclamation fund established under the first section of the Act of June 17, 1902 (43 U.S.C. 391); and

''(B) made immediately available to the Irrigation Districts, to be credited in accordance with section 4(I) of the Act of December 5, 1924 (43 U.S.C. 501).''.

By Mr. CAMPBELL:

S. 1788. A bill to amend title 40, United States Code, to authorize the Administrator of General Services to lease and redevelop certain Federal property on the Denver Federal Center in Lakewood, Colorado; to the Committee on Governmental Affairs.

Mr. CAMPBELL. Mr. President, today I am introducing a bill that will help revitalize the Denver Federal Center (DFC) and the surrounding community of Lakewood, CO. This bill will allow the General Services Administration to enter into public/private partnerships, thereby efficiently and effectively addressing infrastructure and environmental issues at the DFC.

The DFC is a 670-acre campus with 77 active buildings. It began as a munitions manufacturing plan during World War II. Since then, many other agencies have called the DFC home, leaving behind a history of landfills, leaking underground storage tanks, chemical laboratories, and firing ranges that have contaminated the area. Additonally, many of the existing buildings are more than 60 years old and are in need of extensive repair or replacement. The Colorado Department of Public Health is requiring an environmental investigation and clean-up of contaminated areas at a cost of over $70 million.

As the Denver metropolitan region grows, the GSA has an opportunity to create public / private partnerships that will help foster the growth of the DFC campus into a regional hub of commerce and transportation as formulated in the visions of the local communities. At the same time, through these public / private partnerships, the DFC will be able to help

clean up a 60-year-old environmental mess.

The Regional Transportation District (RTD) would like to create an intermodal facility and public transit hub as the West Corridor Light Rail is developed. New offices can be developed, not only for Federal tenants, but potentially for private businesses as well.

I believe this bill will provide many benefits all around—through the partnerships created, this bill will create new jobs and preserve jobs and institutions already in place, while at the same time taking care of a much needed and necessary environmental preservation.

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. 1788

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 shall be cited as the ''Denver Federal Center Redevelopment Act''.

SEC. 2. DENVER FEDERAL CENTER DEVELOPMENT AUTHORITY.

Part C of subtitle II of title 40, United States Code, is amended by adding at the end the following new chapter:

''CHAPTER 71. DENVER FEDERAL CENTER DEVELOPMENT

''§ 7101. Master lease development authority

''(a) IN GENERAL.—The Administrator of General Services may enter into leases of Federal real property, including improvements thereon, with totally non-Federal entities to provide for the construction, rehabilitation, operation, maintenance, or use of all, or portions of, the Denver Federal Center as described in section 7106, or such other activities related to the Denver Federal Center as the Administrator considers appropriate. For purposes of this chapter, a lease of Federal real property, including improvements thereon, shall be referred to as a master lease.

''(b) TERMS AND CONDITIONS.—A master lease entered into under this section—

''(1) shall have as its primary purpose enhancing the value of the Denver Federal Center to the United States;

''(2) shall be negotiated pursuant to such procedures as the Administrator considers necessary to ensure the integrity of the selection process and to protect the interests of the United States;

''(3) may provide a lease option to the United States, to be exercised at the discretion of the Administrator, to occupy any general purpose office, storage or other usable space in a facility covered under the master lease;

''(4) shall be for a term not to exceed 50 years;

''(5) shall describe the consideration, duties and responsibilities for which the United States and the non-Federal entity are responsible;

''(6) shall provide—

''(A) that all development risk shall remain with the non-Federal entity;

''(B) that the United States will not be liable for any action, debt or liability of any non-Federal entity; and

''(C) that such non-Federal entity may not execute any instrument or document creating or evidencing any indebtedness unless such instrument or document specifically disclaims any liability of the United States under the instrument or document; and

''(7) shall include such other terms and conditions as the Administrator considers appropriate.

''(c) CONSIDERATION.—A master lease entered into under this section shall be for fair consideration, as determined by the Administrator. Consideration under a master lease may be provided in whole or in part through in-kind consideration, including provision of other real and related property, goods or services of benefit to the United States, construction, repair, remodeling, or other physical improvements of Federal property, environmental remediation or maintenance of Federal property, or the provision of office, storage or other usable space.

''§ 7102. Additional authorities

''(a) AUTHORITY TO CONVEY REMAINING INTERESTS.—In carrying out a master lease entered into under this chapter, the Administrator is authorized to convey the interest of the United States in the property covered by the master lease to the non-Federal entity by sale or exchange, if the Administrator first determines in writing that such conveyance is in the interests of the United States;

''(b) OTHER AUTHORITIES NOT AFFECTED.—The authority to enter into a master lease under this chapter shall be in addition to, and not in lieu of, any other authorities of the Administrator to convey interests in real property by lease, sale, or exchange.

''(c) OBLIGATIONS TO MAKE PAYMENTS.—Any obligation to make payments by the Administrator for the use of space, goods or services by the General Services Administration on property that is subject to a master lease under this chapter may only be made to the extent that necessary funds have been made available to the Administrator, in advance, in an annual appropriations Act.

''§ 7103. Relationship to other laws.—

''(a) IN GENERAL.—The authority of the Administrator under this chapter shall not be subject to—

''(1) sections 521 through 529 and sections 541 through 559;

''(2) section 1302;

''(3) section 3307; or

''(4) any other provision of law (other than Federal laws relating to environmental and historic preservation) inconsistent with this chapter.

''(b) UNUTILIZED OR UNDERUTILIZED PROPERTY.—Any property covered under a master lease entered into under this section shall be deemed to be property for which there is a continuing Federal need and may not be considered to be unutilized or underutilized for purposes of section 501 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411).

''§ 7104. Use of proceeds

''(a) IN GENERAL.—Net proceeds from a master lease entered into under section 7101 shall be deposited into, administered, and expended, subject to appropriations Acts, as part of the Federal Building Fund established under section 592. In this section, the term 'net proceeds from a master lease entered into under section 7101' means the rental proceeds from the master lease minus the expenses incurred by the Administrator with respect to the master lease.

''(b) RECOVERY OF EXPENSES.—The Administrator may retain from the proceeds of a master lease entered into under section 7101 amounts necessary to recover the expenses incurred by the Administrator with respect to the master lease. Such amounts shall be deposited in the account in the Treasury from which the Administrator incurs such expenses.

''§ 7105. Reporting requirements

''(a) IN GENERAL.—Before entering into a master lease under section 7101, the Administrator of General Services shall transmit to the appropriate committees of Congress a report on the proposed development and master lease of the Denver Federal Center not less than 30 days before the award of a master lease.

''(b) CONTENTS.—A report transmitted under this section shall include a summary of a cost-benefit analysis of the proposed development and a description of the provisions of the proposed master lease.

''§ 7106. Description of the Denver Federal Center

''As used in this chapter, the term 'Denver Federal Center' means a parcel of land, located in section 9 and in the East half of the East half of the East half Section 8, Township 4 South, Range 69 West of the Sixth Principal Meridian, being more particularly described as follows:

''Commencing at the northeast corner of said section 9;

''thence S76°38′34″W a distance of 779.20 feet to a point on the southerly right-of-way line of West 6th Avenue being also the true point of beginning;

''thence S45°23′16″E a distance of 932.42 feet to a point on the westerly right-of-way line of Kipling Street;

''thence along the westerly right-of-way line of said Kipling Street the following three courses:

''thence S00°23′16″E, a distance of 1806.59 feet;

''thence S00°23′04″E, a distance of 2341.02 feet;

''thence S44°37′45″W, a distance of 355.19 feet to a point on the northerly right-of-way line of West Alameda Avenue;

''thence along the northerly right-of-way line of said West Alameda Avenue the following three courses:

''thence S89°23′50″W, a distance of 2298.81 feet;

''thence S89°24′08″W, a distance of 2544.90 feet to a point of tangent curve;

''thence along said curve to the left an arc distance of 475.81 feet, having a central angle of 11°38′25″, a radius of 2342.00 feet and a chord bearing of S83°31′57″W, a chord distance of 474.99 feet to a point on the south line of the southeast quarter of said section 8;

''thence S89°37′30″W, along the said south line, a distance of 296.29 feet to a point on the westerly line of the east half of the east half of the east half of said section 8;

''thence along the westerly line of the east half of the east half of the east half of said section 8 the following two courses;

''thence N00°00′10″W, a distance of 2634.40 feet;

thence N00°00′33″W, a distance of 2344.86 feet to a point on the southerly right-of-way line of West 6th Avenue;

''thence along said southerly right-of-way line the following five courses:

''thence N89°44′33″E, a distance of 655.37 feet to a point on the westerly line of the northwest quarter of said section 9;

''thence N89°44′33″E, a distance of 50.00 feet;

''thence N81°11′33″E, a distance of 856.70 feet;

''thence N89°14′41″E, a distance of 1741.83 feet;

''thence N89°14′40″E, a distance of 1876.55 feet to the point of beginning.

''Said parcel contains 29,182,824 square feet or 669.95 acres, more or less.

''Note: For the purpose of this description the bearings are based on the east line of the northeast quarter of said section 9 bearing S00°23′16″E, a distance of 2640.79 feet and monumented by a found 3¼ aluminum cap

marked 'l.p.i. pls 34986' on the north end and by a found 3¼'' aluminum cap marked 'vigil land consultants ls 20699' on the south end.''.

SEC. 3. CONFORMING AMENDMENT

The index for part C of subtitle II of title 40, United States Code, is amended by inserting the following at the end:

''CHAPTER 71. DENVER FEDERAL CENTER DEVELOPMENT.''.

By Mr. KENNEDY (for himself, Mr. DODD, Mr. BINGAMAN, Mrs. MURRAY, Mr. REED, and Mrs. CLINTON):

S. 1793. A bill to provide for college quality, affordability, and diversity, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, it should be our common purpose to guarantee the promise of a good education to all from birth through college. The strength, security, and future of our Nation lie in the education and character of our people.

In recent years, on a bipartisan basis, we have been working to improve preschool, elementary, and secondary education. We should move forward in the same bipartisan way on higher education.

Last year, on a bipartisan basis, we passed the No Child Left Behind Act to raise standards for students in elementary and secondary schools to hold schools and states accountable for results. These worthwhile school reforms deserve to be well-funded, so that all public school students will have a fair chance to succeed.

Last year, Senator GREGG and I also introduced a bipartisan bill to improve the quality of early childhood education in the states, and help ensure that young children begin school ready to learn.

This year, in the Education Committee, again on a bipartisan basis, we have worked to strengthen the Individuals with Disabilities Education Act (IDEA) and ensure that special needs children receive a quality education. I hope we can pass that legislation soon, to assure that the federal government meets its full obligation to children with disabilities.

The next great challenge we should confront on a bipartisan basis is to ensure that every student with the talent, desire, and drive to go to college is able to afford to go to college. Education is the golden door of opportunity, but for too long, the door of higher education has been closed to many students, because of their inability to pay. Surely, we have reached a stage in America where we can say it and mean it—cost will never be a barrier to a college education.

Just as Social Security is a promise of retirement security to senior citizens, just as Medicare is a promise of health security to senior citizens, so we should make ''Education Security'' a promise to every young American. If you work hard, if you finish high school, if you are admitted to a college, we should guarantee that you can afford the cost of the four years it takes to earn a degree.

As we move forward on the reauthorization of the Higher Education Act, let us come together again on a bipartisan basis to make college affordable to all qualified students. No students should have to mortgage their future to obtain a college degree.

At other times in our nation's history, we have acted boldly to extend college opportunity. In 1862, a year after the Civil War began, President Abraham Lincoln signed into law the Morrill Land Grant Colleges Act which set aside at least 90,000 acres in each Union State—30,000 acres for each of the state seats in Congress. The Act was named for Congressman Justin Morrill from Vermont, and the funds from sales of the land were to be used for public colleges and universities in the fields of engineering, agriculture, and military science. In the following years, over 70 colleges were established, and in 1890, the Morrill Act was extended to Southern and Western States. Today, over 3.5 million students are educated in public colleges and universities first created under the Morrill Act.

The next great benchmark in higher education came in 1944 when President Franklin Roosevelt signed the GI Bill to help the vast number of veterans who would be returning to civilization when World War II ended. The nation embraced the transforming principles that became a cornerstone of our democracy, that the benefits of college education should be available to all in our society, not just the elite, the wealthy or the white. In less than a decade, 8 million veterans benefitted from the GI Bill, and the immense success of that bill is in no small measure the reason why the World War II generation is now called the Greatest Generation.

In the half century since the GI Bill was enacted, we have made ongoing efforts to make college a reality for as many young men and women as possible. In 1972, we created what we now know as Pell Grants to make college affordable for low and middle income families. Since then, over 79 million students have attended college with the assistance of a Pell Grant, which are named for our distinguished colleague Claiborne Pell, who served as Chairman of the Senate Committee.

In 1993, we created the Direct Loans to make inexpensive student loans available to college students. In the same year, we created AmeriCorps to encourage young people to serve their communities and pursue their education.

Now, in this new century, in this new century, it is essential for Congress to take new steps to make the dream of a college education a reality for all.

Men and women with a college degree now earn 75 percent more than those without it—a million dollars more in earnings over their lifetime. Those who use computers on the job earn 43 percent more than those who do not. Jobs requiring at least some post-secondary education are estimated to account for over 40 percent of total employment growth over the next decade.

The need for a college education is greater that ever, but so is cost, and the soaring cost today is often pressing college education out of reach for qualified students. Last year, tuition and fees at four-year public colleges rose an average of 14 percent, and the year before, 10 percent. For families in the lowest quartile of income average public university costs now consume over 62 percent of their income—compared to 42 percent in the early 1970's.

It is shameful that federal aid has not kept pace with rising tuition. Twenty years ago, a Pell Grant covered over 80 percent of four-year college costs. Today, it covers less than 40 percent. Twenty years ago, the typical package of student financial aid had 60 percent in grants and 40 percent in loans. Today, the ratio is reduced the typical package now has 40 percent in grants and 60 percent loans—and the grant-loan imbalance is getting worse.

Each year, over a half a million high school graduates who are qualified for college do not go to college full-time, because they cannot pay the bill. The average low-income, college student has an average of $3,800 a year in college costs not covered by grants, loans, work, or family savings.

Students who begin college have trouble staying in college and graduating from college. Only 48 percent of students from upper-income families graduate from college by age 24, and that figure is seven times the graduation rate of students from low-income families. Only 7 percent—7 percent—of low-income students graduate from college by age 24. Students from minority backgrounds and those who would be the first in their family to achieve a four-year college degree are 33 percent more likely to drop out of college.

Only forty percent of all whites in ages of 18 to 24 attend college. Only 30 percent of African-American and only 16 percent of all Latinos are enrolled in college. Four in ten Latino college students drop out within three years of their enrollment.

We cannot allow these unacceptable percentages to continue. We must do more to help students attend and finish college, and do more to help colleges train more teachers and better teachers for our public schools so that more young men and women will be able to go to college and earn their degree, and fulfill their role in the nation's future.

It is a privilege today to join our Democratic colleagues on the Education Committee, in introducing the College Quality, Affordability, and Diversity Improvement Act of 2003 to improve college opportunity for qualified students. We know that too many families and students across the country are struggling to afford the cost of college and we should do all we can to

help them. The bill will improve access to college in six key ways. It helps students pay for college by providing more financial aid. It slows the excessive increases in college tuition. It makes the repayment of students loan less costly. It encourages and rewards students working their way through school. It help minority and low-income students go to college and finish college. It improves the recruitment and training of public school teachers who will prepare the next generation of college students.

In compliance with the Congressional Budget Act of 1974, the cost of our bill is offset by eliminating windfall profits to banks that participate in the student loan program.

Fulfilling a pledge of ''Education Security'' requires renewed resolve by everyone—students, families, colleges, states, and the federal government. Students should work to save money for college. Families should pay what they can afford. Colleges should commit to reducing increases in tuition. States should continue as much support as they can for students. Federal support should fill the gap that remains.

Under our bill, $1,500 more in student aid will be available to hard-pressed, middle-class families and $3,800 to lower income families.

We increase the maximum Pell grant by nearly $500, from $4,050 to $4,500, in order to keep pace with rising costs of tuition in public colleges; 4.8 million lower income and working class students will get larger Pell grants and 200,000 middle-class students will get Pell grants for the first time.

The Act makes $3,000 in HOPE tax credit aid available to low-income families who currently do not receive this aid, in part because the tax credit is not refundable, and doubles the $1,500 HOPE scholarship tax credit that middle-class families currently receive. Over 4 million Pell grant students in families with a median income of $15,200 a year will receive the HOPE tax credit for the first time. For 3.2 million middle-income families, their tax credit will double in size.

The bill increases campus-based financial aid programs such as College Work-Study and the Supplemental Education Opportunity Grants, which means $200 more in aid to needy students on average.

The bill eliminates $100 in annual student taxes (also called ''origination fees'') on federal need-based loans. Over 5 million students will no longer have to pay these up-front fees for the privilege of borrowing tens of thousands of dollars.

For needy families struggling to send their children to college, these changes will provide $3,800 in additional college aid each year—$500 in increased Pell aid, $3,000 in HOPE tax benefits, $200 more in campus-based aid, and $100 in waivers of student loan fees.

The rising cost of college is an increasingly serious problem for the nation. Students need more financial aid each year. Families need protection from tuition increases that year after year are in the hundreds, or even thousands of dollars. We have ignored the tuition increase problem in higher education for too long.

In fact, few students actually pay ''sticker price'' tuition at private colleges, since many get a discount. At private universities, 8 out of every 10 students receives a discount from the published tuition cost, and those discounts average 40 percent of the sticker price.

The sticker price of college tuition is rising for many reasons. Public colleges are dependent on state funding that has been declining with the struggling national economy. As states cut back their support for higher education, tuition rises. Colleges can reduce some costs in order to limit tuition increases, and we can help them do so.

Tuition is rising in general because colleges believe that in the constant competition for students and faculty, it is necessary for each college to have the best facilities and programs. In effect, and because of this, a ''higher education arms race,'' colleges are constantly striving to be ahead of the competition.

This bill rejects the price controls on college tuition that some have suggested. Instead, it creates incentives for colleges to reduce costs. It reduces regulatory costs for colleges and supports voluntary limits on cost growth. It requires states to do their part in supporting higher education. It ensures that families obtain better information about the true cost of college. And importantly, it rejects the idea of withholding federal student aid for students who attend colleges with excessive tuition costs, because doing so would hurt the neediest students.

Our bill supports the creation of college consortiums that will jointly buy in bulk and share the costs of health care, libraries, faculties, and other needs, so that they achieve economies of scale. It reduces regulatory burdens on colleges. When we lower the operating costs of colleges, we make it easier for them to restrain tuition increases.

The bill requires the Secretary of Education to convene a ''higher education arms control'' summit. Groups of competing colleges will be convened by the Secretary to negotiate limits on future growth in tuition. The Secretary will be given the authority to waive anti-trust protections, when the waiver is needed to achieve reduced tuition growth.

States and colleges must do their part to make college affordable. The bill insists that states must not treat college students like piggy banks to balance state budgets. The bill offers a new partnership to States, under which additional federal resources will be available to states that invest in higher education. States that dramatically cut higher education will be limited to current levels of aid.

Finally, our bill requires schools to publish their true tuition: the extent and average amount of discounts offered to students. Families should know how much school really will cost and how possible it is to bargain for the best deal.

No matter what we do on grants and college costs, loans will continue to be a large part of college aid, but that debt should not be excessive. Today, the average debt on student loans is $17,000, but it can exceed $100,000 for graduate students and professional students. This bill makes it easier to repay student loan debt or work it off. It creates a new refinancing option for borrowers now saddled with consolidated loans at high interest rates. It saves taxpayers money by rewarding student and school participation in the Direct Loan program.

The Act converts the current tax deduction for interest tax on student loans into a tax credit. This bipartisan proposal of Senator SNOWE and Senator SCHUMER will provide low-income graduates with up to $1,500 in reimbursement for interest in student loans.

To encourage public service, the Act forgives the debt on Direct Loans for remaining after ten years for students in certain public sector jobs. Currently, student loan debt is often so large that it prevents students from accepting public interest jobs and forces them to look for higher paying jobs in the private sector. The bill rewards those who choose lower paying public interest jobs in sectors where the need is great, such as public safety, law enforcement, teaching, and public interest legal services.

In addition, the Act enables all college graduates to refinance their student loans, just as their families would refinance a home mortgage. Under current law, graduates who make payments on multiple variable interest rate student loans can consolidate their loans today into a single fixed rate loan at the relatively low interest rate of 3.42 percent. But over 5 million borrowers consolidated their student loans years ago at higher interest rates. The bill enables them to refinance that consolidated loan at today's prevailing interest rate.

The availability of new Refinanced Direct Loans will dramatically reduce student loan repayment for millions of college graduates. A middle-class borrower, for example, with $60,000 in student loan debt at 7 percent interest will save $1,200 a year, or more than $10,000 over the life of the loan, if they refinance under this proposal.

Further, the bill rewards schools and students that save taxpayers money by participating in the federal Direct Loan program. For every dollar borrowed through the Direct Loan program instead of the traditional private FFEL program, taxpayers save approximately fourteen cents. Our bill offers schools that participate in the Direct Loan program a percentage of the federal savings earmarked for student

aid. Taxpayers will save money and students will receive more financial aid, as a result of this ''Direct Loan Reward Program.'' It's a win-win proposal.

In light of the growing need today, current law imposes too heavy a penalty on students who work their way through college. Their financial aid is reduced by 50 cents for every after-tax dollar they earn.

This bill exempts from penalty the first $9,000 earned by traditional college students and the first $18,000 earned by adults attending college. Those students who work to support their college education deserve this additional assistance.

This bill includes a series of proposals to enable larger numbers of minority first-generation college students to go to college and graduate from college. Our national commitment to diversity in college education has been re-affirmed earlier this year by the Supreme Court. A major part of that commitment is preparing all young persons to approach the doors of higher education, making sure the gates are fully and fairly open to them, helping students to pay the costs, and enabling them to stay in college and graduate from college.

The Act increases funding for the successful TRIO and GEAR UP programs that provide information and counseling about college preparation, financial aid, and admissions.

It increases the access of low-income students to college preparation and tutoring programs for the Scholastic Achievement Test and American College Test that have been proven to be effective.

In addition, it assists students in making well-informed decisions on college applications and enrollments, encourages colleges to act on their own to modify policies that make it more difficult for already disadvantaged students to apply or enroll.

The Act supports partnerships between community colleges and four-year colleges, and it encourages them to provide targeted assistance in the form of tutoring, financial aid, child care, counseling, mentoring, and innovative course schedules, all with the goal of improving the admission, retention and graduation rates of low-income students, and non-traditional students.

Increased funding will be available for Hispanic-Serving Institutions and Historically Black Colleges and Universities. These colleges are the source of an extraordinary proportion of minority graduates from college and they deserve greater support.

The federal government must do its part in strengthening further diversity in higher education and colleges and individual students must do their part as well. Diversity is our nation's strength, and all of us have an obligation to support it.

The Act includes a series of initiatives to help recruit and retain high-quality teachers for the nation's public schools. A fundamental aspect of preparing students for college means making sure they have a good teacher in every classroom.

The shortage of such teachers is increasingly severe. America will need more than 2 million new teachers in the next decade. Today, approximately one in every three teachers leaves teaching within the first three years, and almost half leave within the first five years. The No Child Left Behind Act has set a goal of a highly-qualified teacher in every classroom by 2006. Clearly, it is time for the nation to make teacher training a priority.

The Higher Education Act Amendments of 1998 included a new title II program to respond to the teacher shortage. The Act scales up the current title II ''pilot program'' and strengthens and expands it, so that every State will receive funds every year, in order to assure that as many children as possible are taught by highly qualified teachers.

The Act authorizes additional for State Grants and Partnership Grants, with the goal of establishing formula grants for every State. We need to train teachers more effectively, attract more men and women to the field of teaching, and encourage them to continue in the field. These grants will improve preparation, recruitment, and retention of teachers, and help States and schools put a highly qualified teacher in every classroom.

By increasing the accountability of teacher preparation programs, the Act strengthens teacher preparation courses, so that teachers will have the skills and support they need to succeed in the classroom. The bill creates a new national database to provide accurate information on the quality of these preparation programs.

In addition, the Act establishes innovative programs to attract and retain teachers. A mentoring program will help train new teachers and provide professional assistance from more experienced teachers. A new home-ownership program will provide teachers in high-need districts with funds to afford the purchase of a home. A separate initiative will develop links between community colleges and four-year colleges in teacher preparation programs, and help train teacher aides in high-need communities to become teachers.

The Act also helps attract teachers to high-need areas in high-demand subjects, by increasing the amount of student loan forgiveness from $5,000 to $15,000, for teachers who teach math, science, special education, bilingual education, or early education in these areas.

Good teachers in our schools are essential for preparing students to enter college. We must do all we can to support them and give them the training necessary to enable all students to achieve.

In total dollars, the size of this legislation is approximately $15 billion a year. For a sense of context, I would note that we have just approved an $87 billion package for Iraq, have a $786 billion annual discretionary budget, and a $2.3 trillion annual mandatory and discretionary budget. This legislation is comparatively small.

There are three types of cost included. First, there are the tax provisions that total approximately $9.2 billion a year—the same size as the President's tax breaks on dividend and capital gain income. We should replace those dividend and capital gains cuts for the very wealthy instead with the education tax benefits included in this legislation for families trying to pay for college.

Second, there are about $1.3 billion in annual changes to the student loan program for which this legislation fully pays. The bill eliminates windfall profits to lenders in the loan program in order to pay fully for the elimination student loan origination fees and to enable borrowers out of school to refinance their consolidated loans.

In particular, this bill closes a loophole in the student loan program whereby taxpayers subsidize a small minority of lenders to the tune of over $400 million a year in order to assure them a 9.5 percent rate of return. 9.5 percent is too much in today's interest rate environment. All lenders should receive the same guaranteed market rate of return for participating in the student loan program and no more.

Finally, the legislation includes approximately $4.5 billion in annual increases in discretionary education spending. That amount equals one half of one percent of the discretionary budget and is the same amount that education funding increased last year. It is a modest proposal, frankly.

In the past, higher education policy helped the poor and the middle class together. In recent years, though, we have developed separate approaches for these two groups—grants for the poor, and tax benefits for the middle class. The median family income of recipients of Pell grants is $15,000 a year. The HOPE Scholarship tax credit is available only to families with more than $40,000 in income.

Because of the high cost of higher education for everyone, and because each student's own interest in a college education is also in our common interest, this bill will help both hard-pressed low-income and hard-pressed middle income families to send their children to college and prepare them for the future.

Our bill has the support of a variety of national groups: the United States Students' Association, the United States Public Interest Research Group, the Direct Loan Coalition, the National Council for Community and Education Partnerships, the Council for Opportunity in Education, the College Migrant Association, the National Association of Secondary School Principals, the American Federation of Teachers, the National Education Association, and Kaplan, Inc.

Quality, affordability, and diversity—these are the focus of this act because these are the three great challenges we face today in higher education policy and each closely related to the others. Together, we can meet these new challenges in this new century and make the promise of Education Security a reality not just a reality for some of our citizens but a reality for all of our citizens.

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. 1793

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 ''College Quality, Affordability, and Diversity Improvement Act of 2003''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Findings.
TITLE I—ACCESS TO COLLEGE FOR ALL
Sec. 101. Pell Grants.
Sec. 102. Expansion of Hope scholarships.
Sec. 103. Elimination of origination fees and adjustment of fees and terms.
Sec. 104. Direct Loan Reward Program.
Sec. 105. Costs of higher education.
Sec. 106. Credit for interest on higher education loans.
Sec. 107. Refinancing authority for Federal Direct Consolidation Loan.
Sec. 108. Loans funded through tax-exempt securities.
Sec. 109. Windfall profit offset.
Sec. 110. Support for working students.
Sec. 111. Student eligibility.
Sec. 112. Authorization of appropriations levels for campus-based aid.
Sec. 113. Special programs for students whose families are engaged in migrant and seasonal farmwork.
Sec. 114. Loan forgiveness and cancellation for certain teachers.
Sec. 115. Revision of tax table.
Sec. 116. Income contingent repayment for public sector employees.
TITLE II—TEACHER QUALITY ENHANCEMENT
Sec. 201. Amendment to title II.
TITLE III—DIVERSITY, RETENTION, AND ENRICHED ACADEMICS FOR MATRICULATING STUDENTS
Sec. 301. Test preparation for low-income students.
Sec. 302. Admissions and retention.
Sec. 303. Federal Trio program.
Sec. 304. Gear Up.
Sec. 305. Leveraging educational assistance partnership program.
TITLE IV—OPPORTUNITIES AT HISPANIC-SERVING INSTITUTIONS
Sec. 401. Postbaccalaureate opportunities for Hispanic Americans.
Sec. 402. Definitions.
Sec. 403. Authorized activities.
Sec. 404. Elimination of wait-out period.
Sec. 405. Application priority.
TITLE V—HISTORICALLY BLACK COLLEGES AND UNIVERSITIES
Sec. 501. Professional or graduate institutions.
Sec. 502. Graduate and professional degree development program.
Sec. 503. Authorization of appropriations.
Sec. 504. Patsy T. Mink fellowship program.
TITLE VI—RECRUITMENT OF TEACHERS TO TEACH AT TRIBAL COLLEGES OR UNIVERSITIES
Sec. 601. Loan repayment or cancellation for individuals who teach in Tribal Colleges or Universities.
Sec. 602. Amounts forgiven not treated as gross income.

SEC. 3. FINDINGS.

Congress finds the following:

(1) A college education is more important than ever, and the Federal Government should do more to make it affordable and accessible to all qualified students because—

(A) recent shifts in the economy have increased the demand for college-educated workers and increased the wage gap between college-educated workers and those without a degree (workers with a Bachelor's degree earn 75 percent more than workers with just a high school diploma); and

(B) jobs requiring some postsecondary education are expected to account for about 42 percent of total job growth from 2000 through 2010.

(2) Increased access to college, reformed admissions systems, and better retention of students are needed because—

(A) 65 percent of high-income students are on a college-preparatory track, whereas only 28 percent of low-income students are on a college-preparatory track;

(B) 7 times as many students from high-income families (48 percent) graduate from college by age 24 as students from low-income families (7 percent);

(C) 80 percent of 4-year institutions of higher education use the SAT in the admissions process;

(D) commercial SAT coaching classes, such as those run by Kaplan, Inc. and Princeton Review, have demonstrated effectiveness in raising a student's SAT score by 100 points or more, which can significantly improve a student's chance of getting into an elite college;

(E) SAT coaching programs range from $700 to $3,000 per course and the costs are prohibitive for low-income students;

(F) those students who receive SAT coaching tend to be disproportionally middle or upper class;

(G) 34 percent of students who receive SAT coaching are from families whose combined annual income is between $40,000 and $80,000, and 43 percent are from families whose combined annual income is more than $80,000;

(H) applying to college early decision provides an advantage to an applicant equal to an additional 100 points on the SAT;

(I) low-income students are less able to apply to colleges early decision because such students need to compare the financial aid packages at different colleges;

(J) 40 percent of all Whites age 18 through 24 are enrolled in institutions of higher education, whereas only 30 percent of all African-Americans and only 16 percent of all Hispanics are enrolled in institutions of higher education;

(K) nearly 4 out of every 10 Hispanics enrolled full time in 4-year colleges drop out within 3 years of their initial enrollment, African-Americans are half as likely as White students to complete a Bachelor's degree in 4 years, and low-income students are half as likely as upper-income students to complete a Bachelor's degree in 4 years;

(L) in 1990, 1 in 4 Americans was a member of a minority group, and in 2001, 1 in 3 Americans was a member of a minority group;

(M) low-income, college-qualified high school graduates have an annual ''unmet need'' of $3,800 in college expenses, expenses not covered by grants, loans, work, or family savings;

(N) 46 percent of all students who work in addition to being full-time students report 25 hours or more a week of employment; and

(O) 50 percent of those employed more than 25 hours a week report that working hurts their grades and retention in college, and students who work more than 35 hours a week are considerably less likely to complete a year of college than those who work less than 15 hours a week.

(3) Federal student aid is too focused on loans instead of grant aid because—

(A) although approximately $55,000,000,000 is made available annually in direct and indirect Federal aid to postsecondary education students and their families, in 2002, 60 percent of such Federal student aid was in the form of loans while only 40 percent was in the form of grants, a reversal of the distribution 20 years ago;

(B) the purchasing power of the Pell Grant has declined since Pell Grants cover only 40 percent of average fixed costs at 4-year public colleges, about half of what they covered 25 years ago;

(C) 15 years ago Pell Grants covered 98 percent of average tuition at 4-year public colleges, whereas today Pell Grants only cover 64 percent on average;

(D) the Federal Government saves money under the Direct Loan program and makes a profit of 3.5 cents on every dollar lent under the Direct Lending program, while it loses 10.37 cents on every dollar lent under the Federal Family Education Loan Program; and

(E) average student indebtedness is $17,000, and reaches over $120,000 for professional school graduates.

(4) The Federal Government should do more to help States, local educational agencies, and schools ensure a qualified teacher in every classroom because under the No Child Left Behind Act of 2001, States are required to ensure that all teachers teaching in core academic subjects within the State are ''highly qualified'' not later than the end of the 2005–2006 school year. States need to do much more to meet the challenges in the new Federal law. In the 1999–2000 school year, 29 percent of elementary school students, 59 percent of middle school students, and 29 percent of high school students were taught by teachers without both a major and certification in the subject in which they taught.

(5) There is a severe shortage of qualified teachers, especially in high-need fields and low-income areas because—

(A) approximately a third of America's teachers leave teaching sometime during their first 3 years of teaching and almost half leave during the first 5 years;

(B) overall turnover rate for teachers in high-poverty areas is almost a third higher than it is for teachers in all schools;

(C) underqualified teachers are more often found in high-poverty schools; and

(D) in low-poverty secondary schools, approximately ⅓ of students are taught by a teacher who lacks either a college degree in the subject area in which the teacher teaches or certification in such subject area, while in high-poverty secondary schools, approximately ½ of students are taught by such a teacher.

(6) Teacher shortages are more severe in some fields than in others:

(A) Employment opportunities in teaching special education are expected to grow 21 to 35 percent through 2010, an increase of over 150,000 positions.

(B) The most recent data from a 1994 General Accounting Office report estimates a

shortage of 100,000 to 200,000 bilingual teachers, even as the limited English proficient student population continues to grow.

(C) It is estimated that of the 2,000,000 teachers needed over the next 10 years, almost 200,000 will be secondary school mathematics and science teachers.

TITLE I—ACCESS TO COLLEGE FOR ALL

SEC. 101. PELL GRANTS.

(a) APPROPRIATION OF FUNDS FOR PELL GRANTS.—There are authorized to be appropriated and there are appropriated, out of any money in the Treasury not otherwise appropriated for the fiscal year ending September 30, 2004, for carrying out subpart 1 of part A of title IV of the Higher Education Act of 1965, $14,515,000,000.

(b) AUTHORIZATION AMOUNT AND MAXIMUM PELL GRANT.—Section 401(b) of the Higher Education Act of 1965 (20 U.S.C. 1070a(b)) is amended—

(1) in paragraph (3)—

(A) in subparagraph (A), by striking ''appropriation Act'' and inserting ''appropriation Act or subparagraph (C)''; and

(B) by adding at the end the following:

''(C) The maximum Pell Grant for which a student shall be eligible during award year 2004–2005 shall be $4,500.''; and

(2) in paragraph (2)(A), by striking clauses (i) through (v) and inserting the following:

''(i) $7,600 for academic year 2005–2006;

''(ii) $8,600 for academic year 2006–2007;

''(iii) $9,600 for academic year 2007–2008;

''(iv) $10,600 for academic year 2008–2009; and

''(v) $11,600 for academic year 2009–2010,''.

SEC. 102. EXPANSION OF HOPE SCHOLARSHIPS.

(a) EXPANSION OF HOPE SCHOLARSHIP CREDIT.—

(1) DOUBLE MAXIMUM CREDIT TO $3,000.—Subsection (b) of section 25A of the Internal Revenue Code of 1986 (relating to Hope and Lifetime Learning credits) is amended by striking ''2'' in paragraph (4) and inserting ''3''.

(2) CREDIT AVAILABLE FOR 4 YEARS.—Subsection (b) of section 25A of such Code is amended by striking ''2'' each place it appears in paragraphs (2)(A), (2)(C), and (4) and inserting ''4''.

(3) REFUNDABLE CREDIT.—

(A) IN GENERAL.—Section 25A of such Code is hereby moved to subpart C of part IV of subchapter A of chapter 1 of such Code (relating to refundable credits) and inserted after section 35.

(B) TECHNICAL AMENDMENTS.—

(i) Section 36 of such Code is redesignated as section 37.

(ii) Section 25A of such Code (as moved by subsection (a)) is redesignated as section 36.

(iii) Paragraph (1) of section 36(a) of such Code (as redesignated by paragraph (2)) is amended by striking ''this chapter'' and inserting ''this subtitle''.

(iv) Subparagraph (B) of section 72(t)(7) of such Code is amended by striking ''section 25A(g)(2)'' and inserting ''section 36(g)(2)''.

(v) Subparagraph (A) of section 135(d)(2) of such Code is amended by striking ''section 25A'' and inserting ''section 36''.

(vi) Section 221(d) of such Code is amended—

(I) by striking ''section 25A(g)(2)'' in paragraph (2)(B) and inserting ''section 36(g)(2)'',

(II) by striking ''section 25A(f)(2)'' in paragraph (2)(B) and inserting ''section 36(f)(2)'', and

(III) by striking ''section 25A(b)(3)'' in paragraph (3) and inserting ''section 36(b)(3)''.

(vii) Section 222 of such Code is amended—

(I) by striking ''section 25A'' in subparagraph (A) of subsection (c)(2) and inserting ''section 36'',

(II) by striking ''section 25A(f)'' in subsection (d)(1) and inserting ''section 36(f)'', and

(III) by striking ''section 25A(g)(2)'' in subsection (d)(1) and inserting ''section 36(g)(2)''.

(viii) Section 529 of such Code is amended—

(I) by striking ''section 25A(g)(2)'' in subclause (I) of subsection (c)(3)(B)(v) and inserting ''section 36(g)(2)'',

(II) by striking ''section 25A'' in subclause (II) of subsection (c)(3)(B)(v) and inserting ''section 36'', and

(III) by striking ''section 25A(b)(3)'' in clause (i) of subsection (e)(3)(B) and inserting ''section 36(b)(3)''.

(ix) Section 530 of such Code is amended—

(I) by striking ''section 25A(g)(2)'' in subclause (I) of subsection (d)(2)(C)(i) and inserting ''section 36(g)(2)'',

(II) by striking ''section 25A'' in subclause (II) of subsection (d)(2)(C)(i) and inserting ''section 36'', and

(III) by striking ''section 25A(g)(2)'' in clause (iii) of subsection (d)(4)(B) and inserting ''section 36(g)(2)''.

(x) Subsection (e) of section 6050S of such Code is amended by striking ''section 25A'' and inserting ''section 36''.

(xi) Subparagraph (J) of section 6213(g)(2) of such Code is amended by striking ''section 25A(g)(1)'' and inserting ''section 36(g)(1)''.

(xii) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period ''or from section 36 of such Code''.

(xiii) The table of sections for subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the item relating to section 36 and inserting the following:

''Sec. 36. Hope and Lifetime Learning credits.

''Sec. 37. Overpayments of tax.''.

(xiv) The table of sections for subpart A of such part IV is amended by striking the item relating to section 25A.

(4) CREDIT ALLOWED FOR COST OF ATTENDANCE.—

(A) IN GENERAL.—

(i) Subsection (b) of section 36 of such Code, as moved and redesignated by paragraph (3), is amended by striking ''qualified tuition and related expenses'' each place it occurs and inserting ''cost of attendance''.

(ii) Subsection (f) of such section 36 is amended by adding at the end the following new paragraph:

''(3) NO PELL REDUCTION.—The term 'cost of attendance' has the meaning given such term in section 472 of the Higher Education Act of 1965, except that the term shall not include any costs described in paragraph (4) or (5) of such section.''.

(B) CONFORMING AMENDMENTS.—

(i) Subsection (b)(1)(B) of such section 36 is amended by striking ''such expenses'' and inserting ''such cost''.

(ii) Subsections (e) and (g) of such section 36 are amended by inserting ''the cost of attendance or'' before ''qualified'' each place it appears.

(5) EXPANSION OF LIMITATION.—

(A) IN GENERAL.—Subsection (d) of section 36 of such Code, as moved and redesignated by paragraph (3), is amended—

(i) in paragraph (1), by striking the period and inserting ''in the case of the Lifetime Learning Credit and paragraph (3) in the case of the Hope Scholarship Credit.'',

(ii) in paragraph (2), by inserting ''FOR THE LIFETIME LEARNING CREDIT'' in the heading after ''REDUCTION'', and

(iii) by redesignating paragraph (3) as paragraph (4) and by adding after paragraph (2) the following new paragraph:

''(3) AMOUNT OF REDUCTION FOR HOPE SCHOLARSHIP CREDIT.—The amount determined under this paragraph is the amount which bears the same ratio to the amount which would be so taken into account as—

''(A) the excess of—

''(i) the taxpayer's modified adjusted gross income for such taxable year, over

''(ii) the sum of—

''(I) the amount of any education assistance received by the student that is not subject to tax under this chapter, and

''(II) $40,000 ($80,000 in the case of a joint return), bears to

''(B) $10,000 ($20,000 in the case of a joint return).''.

(B) CONFORMING AMENDMENTS.—Subsection (h) of such section 36 is amended—

(i) in paragraph (2), by inserting ''FOR THE LIFETIME LEARNING CREDIT'' in the heading after ''LIMITS'', and

(ii) by inserting at the end the following new paragraph:

''(3) INCOME LIMITS FOR HOPE SCHOLARSHIP CREDIT.—

''(A) IN GENERAL.—In the case of a taxable year beginning after 2003, the $40,000 and $80,000 amounts in subsection (d)(3) shall each be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2002' for 'calendar year 1992' in subparagraph (B) thereof.

''(B) ROUNDING.—If any amount as adjusted under subparagraph (A) is not a multiple of $1,000, such amount shall be rounded to the next lowest multiple of $1,000.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 103. ELIMINATION OF ORIGINATION FEES AND ADJUSTMENT OF FEES AND TERMS.

(a) DIRECT LOANS.—Section 455(c) of the Higher Education Act of 1965 (20 U.S.C. 1087e(c)) is amended to read as follows:

''(c) LOAN FEE.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall charge the borrower of a loan made under this part an origination fee of 4.0 percent of the principal amount of the loan.

''(2) EXCEPTION FOR SUBSIDIZED LOANS.—The Secretary may not charge the borrower of a loan made under this part an origination fee if the borrower receives an interest subsidy for such loan.''.

(b) FFEL PROGRAM.—Section 438(c) of the Higher Education Act of 1965 (20 U.S.C. 1087–1(c)) is amended by adding at the end the following:

''(9) TERMINATION OF ORIGINATION FEES FOR SUBSIDIZED LOANS.—Notwithstanding any other provision of this subsection, with respect to any loan made, insured, or guaranteed under this part on or after the first July 1 after the date of enactment of this paragraph for which a borrower receives an interest subsidy under section 428(a)—

''(A) no eligible lender may collect directly or indirectly from the borrower any origination fee with respect to such loan, or any other fee relating to the origination of a loan however described; and

''(B) the Secretary shall not collect any origination fee from the lender under this subsection.''.

(c) ADJUSTMENT OF FEES AND LOANS FOR DIRECT LOANS.—Section 455 of the Higher Education Act of 1965 (20 U.S.C. 1087e) is amended by adding at the end the following:

''(m) ADJUSTMENT OF FEES AND LOANS.—Notwithstanding any other provision of law, the Secretary shall adjust the fees and terms for Federal Direct Unsubsidized Stafford Loans to be equal to the fees and terms for loans made to borrowers under section 428H.''.

SEC. 104. DIRECT LOAN REWARD PROGRAM.

Part D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq.) is amended by adding at the end the following:

"SEC. 460A. DIRECT LOAN REWARD PROGRAM.

''(a) SHORT TITLE.—This section may be cited as the 'Direct Loan Reward Act'.

''(b) PROGRAM AUTHORIZED.—The Secretary shall carry out a Direct Loan Reward Program to encourage institutions of higher education to participate in the student loan program under this part.

''(c) PROGRAM REQUIREMENTS.—In carrying out the Direct Loan Reward Program, the Secretary shall—

''(1) provide to each institution of higher education participating in the student loan program under this part a financial reward payment, in an amount determined in accordance with subsection (d), to encourage the institution to provide student loans under this part;

''(2) require each institution of higher education receiving a payment under this section to provide student loans under this part for a period of 5 years from the date the payment is made;

''(3) require that funds paid to institutions of higher education under this section be used to award students Federal Supplemental Educational Opportunity Grants in accordance with subpart 3 of part A, except that an institution of higher education shall not be required to provide any matching funds with respect to such awards; and

''(4) for a period of 2 years beginning on the date of enactment of this section, encourage all institutions of higher education to participate in the Direct Loan Reward Program.

''(d) AMOUNT.—The amount of a financial reward payment under this section shall be—

''(1) in the case of the first year of an institution of higher education's participation in the Direct Loan Reward Program, an amount equal to 50 percent of the savings to the Federal Government generated by the institution's participation in the student loan program under this part instead of the institution's participation in the student loan program under part B; and

''(2) in the case of the second through fifth years of an institution of higher education's participation in the Direct Loan Reward Program, an amount equal to 10 percent of the savings to the Federal Government generated by the institution's participation in the student loan program under this part instead of the institution's participation in the student loan program under part B.

''(e) TRIGGER TO ENSURE COST NEUTRALITY.—

''(1) LIMIT TO ENSURE COST NEUTRALITY.—Notwithstanding subsection (d), the Secretary shall not distribute financial reward payments under the Direct Loan Reward Program that, in the aggregate, exceed the Federal savings resulting from implementation of the Direct Loan Reward Program.

''(2) FEDERAL SAVINGS.—In calculating Federal savings, as used in paragraph (1), the Secretary shall determine any Federal savings on loans made to students at institutions of higher education that participate in the Direct Loan Reward Program and that, on the date of enactment of the Direct Loan Reward Program, participated in the student loan program under part B, resulting from the difference of—

''(A) the Federal cost of loan volume made under this part; and

''(B) the Federal cost of an equivalent type and amount of loan volume made, insured, or guaranteed under part B.

''(3) DISTRIBUTION RULES.—If the Federal savings determined under paragraph (2) is not sufficient to distribute full financial reward payments under the Direct Loan Reward Program, the Secretary shall—

''(A) first make financial reward payments to those institutions of higher education that participated in the student loan program under part B on the date of enactment of the Direct Loan Reward Program; and

''(B) with any remaining Federal savings after making payments under subparagraph (A), make financial reward payments to the institutions of higher education not described in subparagraph (A) on a pro-rata basis.

''(4) CARRY OVER.—Any institution of higher education that receives a reduced financial reward payment under paragraph (3)(B), shall remain eligible for the unpaid portion of such institution's financial reward payment, as well as any additional financial reward payments for which the institution is otherwise eligible, in subsequent fiscal years.''.

SEC. 105. COSTS OF HIGHER EDUCATION.

(a) SUPPORTING REDUCED TUITION INCREASES.—Part C of title I of the Higher Education Act of 1965 (20 U.S.C. 1015 et seq.) is amended by adding at the end the following:

"SEC. 132. ECONOMIES OF SCALE.

''(a) AUTHORIZATION.—

''(1) IN GENERAL.—The Secretary is authorized to award grants, on a competitive basis, to university consortia to enable such consortia to engage in endeavors to reduce college costs.

''(2) UNIVERSITY CONSORTIUM.—In this section, the term 'university consortium' means a consortium of not less than 5 two- or four-year degree granting institutions of higher education that receive assistance under title IV.

''(3) DURATION.—Grants awarded under this section shall be for a period of not more than 4 years.

''(b) APPLICATION.—

''(1) IN GENERAL.—A university consortium that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary determines appropriate.

''(2) CONTENT.—An application submitted under paragraph (1) shall include—

''(A) a list of the institutions of higher education that are partners in the university consortium;

''(B) a letter of intent to participate in the university consortium from each partner institution of higher education;

''(C) a general description of the nature of the programs, activities, or other cost-cutting measures to be carried out by the university consortium with funds received under this section, and the cost of such programs, activities, or other cost-cutting measures;

''(D) a description of how such activities are expected to result in cost savings for all partner institutions of higher education;

''(E) an estimation of how much money will be saved through such activities;

''(F) an assurance that when the university consortium efforts begin to post savings for the partner institutions of higher education, not less than 50 percent of the savings will be passed to students by cutting or maintaining student tuition rates or increasing student aid;

''(G) an assurance that each partner institution of higher education will not raise tuition more than twice the inflation change tracked pursuant to section 131(c)(4) from academic year to subsequent academic year during the life of the grant;

''(H) a general timeline of how the university consortium will carry out planned activities and when savings are expected to be posted; and

''(I) a statement as to how the university consortium plans to provide matching funds required under this section.

''(3) PEER REVIEW PANEL.—

''(A) IN GENERAL.—The Secretary shall submit to a peer review panel each application submitted under paragraph (1).

''(B) COMPOSITION.—The peer review panel shall consist of representatives from—

''(i) higher education, including professors;

''(ii) the Department; and

''(iii) the business community.

''(C) APPROVAL OR DISAPPROVAL.—With respect to each application, the peer review panel shall recommend whether each applicant should be awarded a grant under this section.

''(c) AWARDING OF GRANTS.—

''(1) GEOGRAPHIC DISTRIBUTION.—In awarding grants under this section, the Secretary shall take into consideration providing an equitable geographic distribution of the grants throughout the United States.

''(2) MAXIMUM AWARD.—A grant award under this section shall be not more than $200,000. Not more than $75,000 may be awarded in the first year of the grant award and remaining funds shall be evenly divided over the remaining 3 years.

''(d) ACTIVITIES.—

''(1) COST-CUTTING ACTIVITIES.—A university consortium awarded a grant under this section shall use the grant funds to cut partner institution of higher education costs by carrying out 1 or more of the following activities:

''(A) Cooperative purchasing of health care and other employee benefit plans.

''(B) Cooperative purchasing of technology infrastructure.

''(C) Joint degree programs.

''(D) Expansion of joint distance education programs across institutions of higher education.

''(E) Shared library acquisitions.

''(F) Development and implementation of a credit transfer system among partner institutions of higher education.

''(G) Development and implementation of cooperative billing structures.

''(H) Development and implementation of joint professional development for faculty and staff.

''(I) Joint legal counsel.

''(J) Other activities that have the effect of cutting partner institution of higher education costs.

''(2) FURTHER ACTIVITIES.—A university consortium may carry out activities not listed in paragraph (1) in addition to carrying out 1 or more activities listed in paragraph (1).

''(3) COST SAVINGS TO STUDENTS.—Each partner institution of higher education of a university consortium awarded a grant under this section shall—

''(A) not raise tuition more than twice the rate of inflation from academic year to subsequent academic year during the life of the grant; and

''(B) pass on to the students at such institution not less than 50 percent of the savings from the grant by cutting or maintaining student tuition rates or increasing student aid.

''(e) MATCHING FUNDS.—

''(1) IN GENERAL.—Each university consortium awarded a grant under this section shall provide matching funds from non-Federal sources to carry out activities under this section in an amount equal to—

''(A) 40 percent of the grant award in the first year;

''(B) 50 percent of the grant award in the second year;

''(C) 65 percent of the grant award in each of the third and fourth years; and

''(D) 80 percent of the grant award in the fifth year.

''(2) IN-KIND CONTRIBUTIONS.—Not more than 50 percent of the matching funds required under paragraph (1) may be provided in the form of in-kind contributions.

''(f) ONE-TIME AWARD.—A university consortium may receive a grant under this section only one time.

''(g) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall be used to supplement, not supplant, other funds available for institutional or campus-based student aid.

''(h) REPORTING.—

''(1) ANNUAL REPORT.—

''(A) IN GENERAL.—Each university consortium awarded a grant under this section shall submit an annual report to the Secretary on progress toward meeting the purposes of this section.

''(B) CONSEQUENCES OF NOT MAKING SUBSTANTIAL PROGRESS.—If the Secretary, after consultation with the peer review panel described in subsection (b)(3), determines that the university consortium is not making substantial progress in meeting the purposes and goals of this section, as appropriate, by the end of the second year of the grant, the grant shall not be continued for the third and fourth year of the grant.

''(2) REPORT BY THE SECRETARY.—The Secretary shall—

''(A) conduct an analysis on the overall effectiveness of university consortia in cutting college costs and passing savings on to students; and

''(B) make the analysis under subparagraph (A) available to Congress and the public biannually.

''(i) NATIONAL ACTIVITIES.—The Secretary may reserve not more than 5 percent of the funds appropriated for this section for any fiscal year for—

''(1) peer review of applications;

''(2) conducting the analysis required under subsection (h)(3); and

''(3) technical assistance.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years.''.

(b) COLLEGE COST SUMMIT.—Part C of title I of the Higher Education Act of 1965 (20 U.S.C. 1015 et seq.), as amended by subsection (a), is further amended by adding at the end the following:

''SEC. 133. COLLEGE COST SUMMIT.

''(a) IN GENERAL.—The Secretary shall convene a college cost summit with representatives of competing peer institutions of higher education for the purpose of negotiating voluntarily agreed upon limits on future college tuition and fee increases.

''(b) SECRETARIAL APPROVAL.—No agreement reached pursuant to subsection (a) shall take effect absent approval by the Secretary.

''(c) ANTITRUST EXEMPTION.—

''(1) DEFINITIONS.—In this subsection:

''(A) ANTITRUST LAWS.—The term 'antitrust laws' has the meaning given such term in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), except that such term includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent such section 5 applies to unfair methods of competition.

''(B) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education'—

''(i) means an institution of higher education as defined in section 101; and

''(ii) includes any individual acting on behalf of such an institution.

''(2) EXEMPTION.—The antitrust laws shall not apply to any joint discussion, consideration, review, action, or agreement by or among institutions of higher education or their representatives pursuant to this section and for the purpose of, and limited to, negotiating voluntarily agreed upon limits on future college tuition and fee increases, approved by the Secretary.''.

(c) MAINTENANCE OF EFFORT.—Part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) is amended by adding at the end the following:

''Subpart 9—Maintenance of Effort

''SEC. 420K. MAINTENANCE OF EFFORT.

''(a) IN GENERAL.—A public institution of higher education is eligible to receive the full amount of assistance under this title for any fiscal year only if the Secretary determines that the State in which the public institution of higher education is located maintains not less than 90 percent of its support for higher education from the preceding fiscal year, as demonstrated by the State aggregate expenditures with respect to the provision of higher education.

''(b) WAIVER.—The Secretary may waive the requirements of this section if the Secretary determines that a waiver would be equitable due to—

''(1) exceptional or uncontrollable circumstances, such as a natural disaster; or

''(2) a precipitous, unpredicted, and unprecedented decline in State budget authority.

''(c) CONSEQUENCES OF FAILURE TO MAINTAIN EFFORT.—Notwithstanding any other provision of this Act, the Secretary shall adjust the level of assistance available to institutions described in subsection (a) by restoring the Pell Grant maximum under this part and student loan fees under parts B and D to their levels on June 30, 2004.''.

(d) TRUTH-IN-TUITION.—Part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), as amended by subsection (c), is further amended by adding at the end the following:

''Subpart 10—Truth-in-Tuition

''SEC. 420L. DISCLOSURE IN APPLICATION.

''An institution of higher education that receives Federal funds and is eligible for assistance under this title shall include in materials accompanying an application for admission to the institution up to date annual trend information regarding the extent and average amount of such institution's tuition and fee discounts.''.

(e) COLLEGE CONSUMER PRICE INFORMATION.—Section 131(c)(4) of the Higher Education Act of 1965 (20 U.S.C. 1015(c)(4)) is amended to read as follows:

''(4) HIGHER EDUCATION MARKET BASKET.—

''(A) IN GENERAL.—The Bureau of Labor Statistics, in consultation with the Commissioner for Education Statistics, shall develop a higher education cost index that tracks inflation changes in the necessary costs associated with higher education.

''(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph $7,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years.''.

SEC. 106. CREDIT FOR INTEREST ON HIGHER EDUCATION LOANS.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25B the following new section:

''SEC. 25C. INTEREST ON HIGHER EDUCATION LOANS.

''(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the interest paid by the taxpayer during the taxable year on any qualified education loan.

''(b) MAXIMUM CREDIT.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the credit allowed by subsection (a) for the taxable year shall not exceed $1,500.

''(2) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—

''(A) IN GENERAL.—If the modified adjusted gross income of the taxpayer for the taxable year exceeds $50,000 ($100,000 in the case of a joint return), the amount which would (but for this paragraph) be allowable as a credit under this section shall be reduced (but not below zero) by the amount which bears the same ratio to the amount which would be so allowable as such excess bears to $10,000 ($20,000 in the case of a joint return).

''(B) MODIFIED ADJUSTED GROSS INCOME.—The term 'modified adjusted gross income' means adjusted gross income determined without regard to sections 911, 931, and 933.

''(C) INFLATION ADJUSTMENT.—In the case of any taxable year beginning after 2004, the $50,000 and $100,000 amounts referred to in subparagraph (A) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting '2003' for '1992'.

''(D) ROUNDING.—If any amount as adjusted under subparagraph (C) is not a multiple of $50, such amount shall be rounded to the nearest multiple of $50.

''(c) DEPENDENTS NOT ELIGIBLE FOR CREDIT.—No credit shall be allowed by this section to an individual for the taxable year if a deduction under section 151 with respect to such individual is allowed to another taxpayer for the taxable year beginning in the calendar year in which such individual's taxable year begins.

''(d) LIMIT ON PERIOD CREDIT ALLOWED.—A credit shall be allowed under this section only with respect to interest paid on any qualified education loan during the first 60 months (whether or not consecutive) in which interest payments are required. For purposes of this paragraph, any loan and all refinancings of such loan shall be treated as 1 loan.

''(e) DEFINITIONS.—For purposes of this section:

''(1) QUALIFIED EDUCATION LOAN.—The term 'qualified education loan' has the meaning given such term by section 221(d)(1).

''(2) DEPENDENT.—The term 'dependent' has the meaning given such term by section 152.

''(f) SPECIAL RULES.—

''(1) DENIAL OF DOUBLE BENEFIT.—No credit shall be allowed under this section for any amount taken into account for any deduction under any other provision of this chapter.

''(2) MARRIED COUPLES MUST FILE JOINT RETURN.—If the taxpayer is married at the close of the taxable year, the credit shall be allowed under subsection (a) only if the taxpayer and the taxpayer's spouse file a joint return for the taxable year.

''(3) MARITAL STATUS.—Marital status shall be determined in accordance with section 7703.''.

(b) CONFORMING AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 25B the following new item:

''Sec. 25C. Interest on higher education loans.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any qualified education loan (as defined in section 25C(e)(1) of the Internal Revenue Code of 1986, as added by this section) incurred on, before, or after the date of enactment of this

Act, but only with respect to any loan interest payment due after December 31, 2002.

SEC. 107. REFINANCING AUTHORITY FOR FEDERAL DIRECT CONSOLIDATION LOAN.

Section 455(g) of the Higher Education Act of 1965 (20 U.S.C. 1087e(g)) is amended—

(1) by striking ''A borrower'' and inserting the following:

''(1) IN GENERAL.—A borrower''; and

(2) by adding at the end the following:

''(2) REFINANCING AUTHORITY.—

''(A) IN GENERAL.—Notwithstanding any other provision of this part, a borrower may refinance a Federal Direct Consolidation Loan at the prevailing fixed rate as determined by the Secretary, if the interest rate on such borrower's Federal Direct Consolidation Loan is not less than the sum of 3.3 percent and the average of the bond equivalent rates of the 91-day Treasury bills auctioned for the previous calendar quarter.

''(B) ONE-TIME ONLY.—A borrower may refinance under subparagraph (A) only once.''.

SEC. 108. LOANS FUNDED THROUGH TAX-EXEMPT SECURITIES.

(a) REPEAL.—Subparagraph (B) of section 438(b)(2) of the Higher Education Act of 1965 (20 U.S.C. 1087–1(b)(2)) is repealed.

(b) LOANS FUNDED THROUGH TAX-EXEMPT SECURITIES.—Section 438(b)(2) of the Higher Education Act of 1965 is amended further by inserting after subparagraph (A) the following:

''(B) Notwithstanding any other provision of law, the quarterly rate of the special allowance for the holders of loans financed directly, indirectly, or derivatively with funds obtained by the holders from the issuance of obligations, the income from which is excluded from gross income under the Internal Revenue Code of 1986, regardless of the date of the issuance of the obligations, shall be the quarterly rate of the special allowance established under subparagraph (A), (E), (F), (G), or (H), as the case may be.''.

SEC. 109. WINDFALL PROFIT OFFSET.

Section 438 of the Higher Education Act of 1965 (20 U.S.C. 1087–1) is amended by adding at the end the following:

''(g) WINDFALL PROFIT OFFSET.—

''(1) IN GENERAL.—Except as provided in paragraph (2), at the end of every fiscal quarter for which an eligible lender does not receive a special allowance payment under this section, the eligible lender shall pay to the Secretary of the Treasury for deposit into the Treasury as miscellaneous receipts a windfall profit offset payment for the fiscal quarter equal to the amount by which—

''(A) the aggregate amount of all payments of interest received by the eligible lender from borrowers on all loans made, insured, or guaranteed under this part during the fiscal quarter; exceeds

''(B) interest guaranteed the lender under this section for the fiscal quarter, irrespective of the amount received under subparagraph (A).

''(2) EXCEPTION.—An eligible lender shall not be subject to the requirement of paragraph (1) if the eligible lender is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and a nonprofit entity as defined by applicable State law, and meets the following requirements:

''(A) The eligible lender does not confer a salary or benefits to any employee of the lender in an amount that is in excess of the salary and benefits provided to the Secretary by the Department.

''(B) The eligible lender does not maintain an ongoing relationship whereby it passes on revenue directly or indirectly through lease, securitization, resale, or any other financial instrument to a for-profit entity or to shareholders.

''(C) The eligible lender does not offer benefits to a borrower in a manner directly or indirectly predicated on such borrower's participation in a program under this part, part D, or with any particular lender.

''(D) The eligible lender certifies that it uses the windfall profit amount described in paragraph (1) to carry out the purposes of this Act through activities such as the following:

''(i) Conferring grants, scholarships, or loans.

''(ii) Financing work-study student employment.

''(iii) Carrying out activities authorized under chapters 1 and 2 of subpart 2 of part A.

''(E) The eligible lender is subject to public oversight through either a State charter, or not less than 50 percent of the lender's board of directors consists of State appointed representatives.

''(F) The eligible lender does not engage in the marketing of the relative value of programs under this part as compared to programs under part D, nor does the lender engage in the marketing of loans or programs offered by for-profit lenders. This subparagraph shall not be construed to prohibit the eligible lender from conferring basic information on lenders under this part and the related benefits offered by such lenders.''.

SEC. 110. SUPPORT FOR WORKING STUDENTS.

(a) DEPENDENT STUDENTS.—Section 475(g)(2) of the Higher Education Act of 1965 (20 U.S.C. 1087oo(g)(2)) is amended by striking subparagraph (D) and inserting the following:

''(D) $9,000;''.

(b) INDEPENDENT STUDENTS WITHOUT DEPENDENTS OTHER THAN A SPOUSE.—Section 476(b)(1)(A) of the Higher Education Act of 1965 (20 U.S.C. 1087pp(b)(1)(A)) is amended by striking clause (iv) and inserting the following:

''(iv) $13,000;''.

(c) INDEPENDENT STUDENTS WITH DEPENDENTS OTHER THAN A SPOUSE.—Section 477(b) of the Higher Education Act of 1965 (20 U.S.C. 1087qq(b)) is amended—

(1) in paragraph (1)—

(A) by striking subparagraph (D) and inserting the following:

''(D) $18,000;''; and

(B) in subparagraph (E), by striking ''paragraph (5)'' and inserting ''paragraph (4)'';

(2) by striking paragraph (4); and

(3) by redesignating paragraph (5) as paragraph (4).

(d) CONFORMING AMENDMENTS.—Section 478 of the Higher Education Act of 1965 (20 U.S.C. 1087rr) is amended—

(1) by striking subsection (b) and inserting the following:

''(b) INCOME PROTECTION ALLOWANCE.—For each academic year after academic year 1993–1994, the Secretary shall publish in the Federal Register a revised table of income protection allowances for the purpose of section 475(c)(4). Such revised table shall be developed by increasing each of the dollar amounts contained in the table in such section by a percentage equal to the estimated percentage increase in the Consumer Price Index (as determined by the Secretary) between December 1992 and the December next preceding the beginning of such academic year, and rounding the result to the nearest $10.''; and

(2) in subsection (h)—

(A) in the first sentence, by striking ''477(b)(5)'' and inserting ''477(b)(4)''; and

(B) in the second sentence—

(i) by striking ''477(b)(5)(A)'' and inserting ''477(b)(4)(A)''; and

(ii) by striking ''477(b)(5)(B)'' and inserting ''477(b)(4)(B)''.

SEC. 111. STUDENT ELIGIBILITY.

Section 484 of the Higher Education Act of 1965 (20 U.S.C. 1091) is amended by striking subsection (r).

SEC. 112. AUTHORIZATION OF APPROPRIATIONS LEVELS FOR CAMPUS-BASED AID.

(a) FEDERAL SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS.—Section 413A(b)(1) of the Higher Education Act of 1965 (20 U.S.C. 1070b(b)(1)) is amended by striking ''$675,000,000 for fiscal year 1999 and such sums as may be necessary for the 4 succeeding fiscal years'' and inserting ''$1,000,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years''.

(b) FEDERAL WORK-STUDY PROGRAMS.—Section 441(b) of the Higher Education Act of 1965 (42 U.S.C. 2751(b)) is amended by striking ''$1,000,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years'' and inserting ''$1,500,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years''.

(c) FEDERAL PERKINS LOANS.—Section 461(b)(1) of the Higher Education Act of 1965 (20 U.S.C. 1087aa(b)(1)) is amended by striking ''$250,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years'' and inserting ''$300,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years''.

SEC. 113. SPECIAL PROGRAMS FOR STUDENTS WHOSE FAMILIES ARE ENGAGED IN MIGRANT AND SEASONAL FARMWORK.

Section 418A of the Higher Education Act of 1965 (20 U.S.C. 1070d–2) is amended—

(1) in subsection (f)—

(A) in paragraph (1), by striking ''$150,000'' and inserting ''$225,000''; and

(B) in paragraph (2), by striking ''$150,000'' and inserting ''$225,000''; and

(2) in subsection (h)—

(A) in paragraph (1)—

(i) by striking ''$15,000,000'' and inserting ''$40,000,000'';

(ii) by striking ''1999'' and inserting ''2004''; and

(iii) by striking ''4'' and inserting ''5''; and

(B) in paragraph (2)—

(i) by striking ''$5,000,000'' and inserting ''$30,000,000'';

(ii) by striking ''1999'' and inserting ''2004''; and

(iii) by striking ''4'' and inserting ''5''.

SEC. 114. LOAN FORGIVENESS AND CANCELLATION FOR CERTAIN TEACHERS.

(a) FFEL LOANS.—Section 428J of the Higher Education Act of 1965 (20 U.S.C. 1078–10) is amended—

(1) in subsection (c), by adding at the end the following:

''(3) ADDITIONAL AMOUNTS FOR HIGHLY QUALIFIED TEACHERS IN MATHEMATICS, SCIENCE, SPECIAL EDUCATION, OR BILINGUAL EDUCATION.—Notwithstanding the amount specified in paragraph (1) and the requirements of subsection (b)(1), the Secretary shall repay not more than $15,000 in the aggregate of the loan obligation on a loan made under section 428 or 428H that is outstanding after the completion of the fifth complete school year of teaching described in subparagraphs (A) and (B) in the case of a teacher—

''(A) who has been employed as a full-time teacher for 5 consecutive complete school years in a school that qualifies under section 465(a)(2)(A) for loan cancellation for Perkins loan recipients who teach in such schools, except that the enrollment of children counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 exceeds 40 percent of the total enrollment of such school;

''(B) whose qualifying employment is teaching mathematics, science, special education, or bilingual education; and

''(C) who is highly qualified (as defined in section 9101 of the Elementary and Secondary Education Act of 1965).''; and

(2) by adding at the end the following:

''(i) EARLY EDUCATION TEACHERS.—

''(1) AUTHORIZATION.—The Secretary shall carry out a program, through the holder of the loan, of assuming the obligation to repay a qualified loan amount for a loan made under section 428 or 428H, in accordance with paragraph (2), for any new borrower on or after October 1, 1998, who—

''(A) has been employed as a full-time teacher for 5 consecutive complete school years in a Head Start or Early Head Start program under the Head Start Act (42 U.S.C. 9831 et seq.), or in another comparable prekindergarten program that serves children not less than 60 percent of whom are eligible to participate in a Head Start or Early Head Start program; and

''(B) is not in default on a loan for which the borrower seeks forgiveness.

''(2) QUALIFIED LOAN AMOUNT.—

''(A) IN GENERAL.—The Secretary shall repay not more than $15,000 in the aggregate of the loan obligation on a loan made under section 428 or 428H that is outstanding after the completion of the fifth complete school year of teaching described in paragraph (1)(A).

''(B) TREATMENT OF CONSOLIDATION LOANS.—A loan amount for a loan made under section 428C may be a qualified loan amount for the purposes of this paragraph only to the extent that such loan amount was used to repay a Federal Direct Stafford Loan, a Federal Direct Unsubsidized Stafford Loan, or a loan made under section 428 or 428H for a borrower who meets the requirements of paragraph (1), as determined in accordance with regulations prescribed by the Secretary.''.

(b) DIRECT LOANS.—Section 460 of the Higher Education Act of 1965 (20 U.S.C. 1087j) is amended—

(1) in subsection (c), by adding at the end the following:

''(3) ADDITIONAL AMOUNTS FOR HIGHLY QUALIFIED TEACHERS IN MATHEMATICS, SCIENCE, SPECIAL EDUCATION, OR BILINGUAL EDUCATION.—Notwithstanding the amount specified in paragraph (1) and the requirements of subsection (b)(1)(A), the Secretary shall cancel not more than $15,000 in the aggregate of the loan obligation on a Federal Direct Stafford Loan or a Federal Direct Unsubsidized Stafford Loan that is outstanding after the completion of the fifth complete school year of teaching described in subparagraphs (A) and (B) in the case of a teacher—

''(A) who has been employed as a full-time teacher for 5 consecutive complete school years in a school that qualifies under section 465(a)(2)(A) for loan cancellation for Perkins loan recipients who teach in such schools, except that the enrollment of children counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 exceeds 40 percent of the total enrollment of such school;

''(B) whose qualifying employment is teaching mathematics, science, special education, or bilingual education; and

''(C) who is highly qualified (as defined in section 9101 of the Elementary and Secondary Education Act of 1965).''; and

(2) by adding at the end the following:

''(i) EARLY EDUCATION TEACHERS.—

''(1) AUTHORIZATION.—The Secretary shall carry out a program of canceling the obligation to repay a qualified loan amount in accordance with paragraph (2) for Federal Direct Stafford Loans and Federal Direct Unsubsidized Stafford Loans made under this part for any new borrower on or after October 1, 1998, who—

''(A) has been employed as a full-time teacher for 5 consecutive complete school years in a Head Start or Early Head Start program under the Head Start Act (42 U.S.C. 9831 et seq.), or in another comparable prekindergarten program that serves children not less than 60 percent of whom are eligible to participate in a Head Start or Early Head Start program; and

''(B) is not in default on a loan for which the borrower seeks cancellation.

''(2) QUALIFIED LOAN AMOUNT.—

''(A) IN GENERAL.—The Secretary shall cancel not more than $15,000 in the aggregate of the loan obligation on a Federal Direct Stafford Loan or a Federal Direct Unsubsidized Stafford Loan that is outstanding after the completion of the fifth complete school year of teaching described in paragraph (1)(A).

''(B) TREATMENT OF CONSOLIDATION LOANS.—A loan amount for a Federal Direct Consolidation Loan may be a qualified loan amount for the purposes of this paragraph only to the extent that such loan amount was used to repay a Federal Direct Stafford Loan, a Federal Direct Unsubsidized Stafford Loan, or a loan made under section 428 or 428H for a borrower who meets the requirements of paragraph (1), as determined in accordance with regulations prescribed by the Secretary.''.

SEC. 115. REVISION OF TAX TABLE.

Section 478(g) of the Higher Education Act of 1965 (20 U.S.C. 1087rr(g)) is amended by adding at the end the following: ''The Secretary shall develop such revised table only after consultation with appropriate committees of Congress.''.

SEC. 116. INCOME CONTINGENT REPAYMENT FOR PUBLIC SECTOR EMPLOYEES.

Section 455(e) of the Higher Education Act of 1965 (20 U.S.C. 1087e(e)) is amended by adding at the end the following:

''(7) REPAYMENT PLAN FOR PUBLIC SECTOR EMPLOYEES.—

''(A) IN GENERAL.—The Secretary shall forgive the balance due on any loan made under this part for a borrower—

''(i) who has made 120 payments on such loan pursuant to income contingent repayment; and

''(ii) who is employed, and was employed for the 10-year period in which the borrower made the 120 payments described in clause (i), in a public sector job.

''(B) PUBLIC SECTOR JOB.—In this paragraph, the term 'public sector job' means a full-time job in emergency management, government, public safety, law enforcement, public health, education (including early childhood education), or public interest legal services (including prosecution or public defense).

''(8) RETURN TO STANDARD REPAYMENT.—A borrower who is repaying a loan made under this part pursuant to income contingent repayment may choose, at any time, to terminate repayment pursuant to income contingent repayment and repay such loan under the standard repayment plan.''.

TITLE II—TEACHER QUALITY ENHANCEMENT

SEC. 201. AMENDMENT TO TITLE II.

Title II of the Higher Education Act of 1965 (20 U.S.C. 1021 et seq.) is amended to read as follows:

''TITLE II—TEACHER QUALITY ENHANCEMENT

''PART A—TEACHER QUALITY ENHANCEMENT GRANTS FOR STATES AND PARTNERSHIPS

''SEC. 201. PURPOSES; DEFINITIONS.

''(a) PURPOSES.—The purposes of this part are to—

''(1) improve student achievement;

''(2) increase the size and scope of programs funded under this part to meet the goal of having 100 percent of teachers as highly qualified teachers;

''(3) retain and recruit highly qualified individuals into the teaching force through incentives;

''(4) hold institutions of higher education accountable for preparing teachers, through coursework in pedagogy, with effective methods of teaching as a means of better preparing teachers for the modern day classroom;

''(5) improve the quality of the current and future teaching force by improving the preparation of prospective teachers and enhancing professional development activities;

''(6) hold institutions of higher education accountable for preparing teachers who have the necessary teaching skills and are highly competent in the academic content areas in which the teachers plan to teach, such as mathematics, science, English, reading or language arts, foreign languages, history, economics, art, civics, Government, and geography, including training in the effective uses of technology in the classroom;

''(7) recruit highly qualified individuals, including individuals from other occupations, into the teaching force, especially in subject areas of high need (including bilingual education, special education, mathematics, science, and early childhood education), geographic areas of high need, and in geographic areas with teacher vacancy or retention problems; and

''(8) encourage learning partnerships between students and parents that lead to improving student academic achievement and school performance.

''(b) DEFINITIONS.—In this part:

''(1) ARTS AND SCIENCES.—The term 'arts and sciences' means—

''(A) when referring to an organizational unit of an institution of higher education, any academic unit that offers 1 or more academic majors in disciplines or content areas corresponding to the academic subject matter areas in which teachers provide instruction; and

''(B) when referring to a specific academic subject matter area, the disciplines or content areas in which academic majors are offered by the arts and science organizational unit.

''(2) HIGH NEED LOCAL EDUCATIONAL AGENCY.—The term 'high need local educational agency' means a local educational agency in which—

''(A)(i) 30 percent of the students served by the agency are from families with incomes below the poverty line; or

''(ii) there are more than 20,000 students served by the agency from families with incomes below the poverty line; and

''(B)(i) there is a high percentage of teachers who are not highly qualified; or

''(ii) there is a high teacher turnover rate.

''(3) HIGH NEED SCHOOL.—The term 'high need school' means an elementary school or secondary school—

''(A) in which there is a high concentration of students from families with incomes below the poverty line; or

''(B) that is identified as in need of school improvement or corrective action pursuant to section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316).

''(4) HIGHLY QUALIFIED.—The term 'highly qualified' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(5) MENTORING.—The term 'mentoring' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(6) PARENT.—The term 'parent' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(7) PARENTAL INVOLVEMENT.—The term 'parental involvement' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(8) POVERTY LINE.—The term 'poverty line' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

''(9) PROFESSIONAL DEVELOPMENT.—The term 'professional development' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(10) TEACHING SKILLS.—The term 'teaching skills' means skills—

''(A) grounded in the disciplines of teaching and learning that teachers use to create effective instruction in subject matter content and that lead to student achievement and the ability to apply knowledge; and

''(B) that require an understanding of the learning process itself, including an understanding of—

''(i) the use of strategies specific to the subject matter;

''(ii) the application of on-going assessment of student learning;

''(iii) individual differences in ability and instructional needs; and

''(iv) effective classroom management.

''SEC. 202. PROGRAM AUTHORITY.

''(a) COMPETITIVE GRANT PROGRAM.—If the amount appropriated to carry out this part for a fiscal year is less than $270,000,000, then the Secretary shall use—

''(1) 25 percent of such funds to carry out the competitive State grant program under section 203; and

''(2) 75 percent of such funds to carry out the competitive partnership grant program under section 204.

''(b) FORMULA GRANT PROGRAM.—

''(1) IN GENERAL.—

''(A) AUTHORIZATION OF GRANTS.—If the amount appropriated to carry out this part for a fiscal year is equal to or exceeds $270,000,000, then the Secretary shall use such funds to award a grant to each State from allotments under subparagraph (B).

''(B) ALLOTMENTS.—The Secretary shall make an allotment to each State in an amount that bears the same relation to the funds as the amount the State received under part A of title I of the Elementary and Secondary Education Act of 1965 for the preceding fiscal year bears to the amount received by all States under such part for the preceding fiscal year.

''(2) STATE USE OF FUNDS.—A State that receives an allotment under paragraph (1) shall expend—

''(A) 25 percent of such funds to carry out State level activities under subsections (d) and (e) of section 203; and

''(B) 75 percent of such funds to carry out the competitive partnership grant program under section 204.

''SEC. 203. STATE GRANTS.

''(a) IN GENERAL.—From amounts made available under section 210 for a fiscal year, the Secretary is authorized to award grants under this section, on a competitive basis, to eligible States to enable the eligible States to carry out the activities described in subsections (d) and (e).

''(b) ELIGIBLE STATE.—

''(1) DEFINITION.—In this part, the term 'eligible State' means a State educational agency.

''(2) CONSULTATION.—The State educational agency shall consult with the Governor, State board of education, or State agency for higher education, as appropriate, with respect to the activities assisted under this section.

''(3) CONSTRUCTION.—Nothing in this subsection shall be construed to negate or supersede the legal authority under State law of any State agency, State entity, or State public official over programs that are under the jurisdiction of the agency, entity, or official.

''(c) APPLICATION.—To be eligible to receive a grant under this section, an eligible State shall, at the time of the initial grant application, submit an application to the Secretary that—

''(1) meets the requirement of this section;

''(2) includes a description of how the eligible State intends to use funds provided under this section; and

''(3) contains such other information and assurances as the Secretary may require.

''(d) REQUIRED USES OF FUNDS.—A State that receives a grant under this section shall use the grant funds to carry out the following activities:

''(1) RIGOROUS TEACHER CERTIFICATION OR LICENSURE PROGRAMS.—Ensuring that the State's teacher certification or licensure program is rigorous and has high standards.

''(2) TEACHER RECRUITMENT.—

''(A) IN GENERAL.—Awarding scholarships to help students pay the costs of tuition, room, board, and other expenses of completing a teacher preparation program.

''(B) SUPPORT SERVICES.—Providing support services, if needed, to enable scholarship recipients to complete postsecondary education programs.

''(C) ASSISTANCE TO BECOME HIGHLY QUALIFIED TEACHERS.—Providing teachers who are not highly qualified with the opportunity to take coursework or credentialing courses in order to become highly qualified teachers.

''(D) FOLLOWUP SERVICES.—Providing followup services to former scholarship recipients during the recipients first 3 years of teaching.

''(E) SERVICE REQUIREMENT.—The Secretary shall establish such requirements as the Secretary finds necessary to ensure that recipients of scholarships under this paragraph who complete teacher education programs subsequently teach in a high need local educational agency, for a period of time equivalent to the period for which the recipients receive scholarship assistance, or repay the amount of the scholarship. The Secretary shall use any such repayments to carry out additional activities under this section.

''(e) ALLOWABLE USES OF FUNDS.—A State that receives a grant under this section may use such funds to carry out any of the following activities:

''(1) REFORMS.—Implementing reforms that hold institutions of higher education with teacher preparation programs accountable for preparing teachers who are highly competent in the academic content areas in which the teachers plan to teach, and possess strong teaching skills, which may include the use of rigorous subject matter competency tests and the requirement that a teacher have an academic major in the subject area, or related discipline, in which the teacher plans to teach, and instruction for such teachers on how to involve parents in their children's education.

''(2) CERTIFICATION OR LICENSURE REQUIREMENTS.—Reforming teacher certification or licensure requirements to ensure that teachers have the necessary teaching skills and academic content knowledge in the subject areas in which teachers are assigned to teach. States are encouraged to use funds to develop or enhance existing licensure and certification requirements for subject areas of high need (including bilingual education, special education, mathematics, science, and early childhood education), including development of a State test.

''(3) ALTERNATIVE ROUTES TO CERTIFICATION FOR TEACHING.—Providing prospective teachers with alternative routes to traditional preparation for teaching through programs at colleges of arts and sciences or at nonprofit educational organizations that have a proven record of effectiveness and include instruction in teaching skills. Strengthening or developing alternative routes to State certification of teachers programs that includes, at a minimum—

''(A) a selective means for admitting individuals into such programs that includes passage of State teacher exams in appropriate subject areas;

''(B) pedagogical course work, including formal instruction that addresses the theories and practices of teaching and monitoring student performance; and

''(C) support services, including mentoring for the individuals participating in the alternative State certification of teachers programs that focuses on—

''(i) helping the individuals develop effective teaching skills and strategies;

''(ii) professional development; and

''(iii) the disciplines of teaching and learning to ensure that prospective teachers have an understanding of research-based learning practices and possess skills related to the learning process.

''(4) TEACHER SUPPORT.—Carrying out programs that include support during the initial teaching experience.

''(5) RECRUITING AND HIRING TEACHERS.—

''(A) EFFECTIVE MECHANISMS.—Developing and implementing effective mechanisms to ensure that local educational agencies and schools are able to effectively recruit highly qualified teachers.

''(B) PROGRAMS.—Establishing programs that—

''(i) train and hire regular, special education, and bilingual education teachers (which may include hiring special education teachers to team-teach in classrooms that contain both children with disabilities and nondisabled children);

''(ii) train and hire highly qualified teachers of special needs children and limited English proficient students, as well as teaching specialists in core academic subjects who will provide individualized instruction to students;

''(iii) recruit qualified professionals from other fields, including highly qualified paraprofessionals (as defined in section 2102 of the Elementary and Secondary Education Act of 1965), and provide such professionals with alternative routes to teacher certification, including developing and implementing hiring policies that ensure comprehensive recruitment efforts as a way to expand the applicant pool, such as through identifying teachers certified through alternative routes, and using a system of intensive screening designed to hire the most qualified applicants; and

''(iv) provide increased opportunities for minorities, individuals with disabilities, and other individuals underrepresented in the teaching profession.

''(C) REDUCTION IN CLASS SIZE.—Recruiting and hiring highly qualified teachers to reduce class size, particularly in the early grades.

''(6) SOCIAL PROMOTION.—Development and implementation of efforts to address the problem of social promotion and to prepare teachers to effectively address the issues raised by ending the practice of social promotion.

''(7) SPECIAL CERTIFICATION FOR PROSPECTIVE AP TEACHERS.—Developing and implementing teacher preparation programs that

provide special certification in advanced placement (AP)-level or international baccalaureate (IB)-level content and pedagogy, including undergraduate specializations in in-depth study of subject-specific content and practical pedagogical experience through student teaching, and master degree level programs that lead to a master's degree in AP-level or IB-level content.

''(8) FINANCIAL INCENTIVES.—Providing financial incentives for teachers to teach in high need schools in which there exists a shortage of highly qualified teachers.

''SEC. 204. PARTNERSHIP GRANTS.

''(a) GRANTS.—The Secretary or State, as appropriate, shall use funds made available under section 202 to award grants under this section, on a competitive basis, to eligible partnerships to enable the eligible partnerships to carry out the activities described in subsections (d) and (e).

''(b) DEFINITIONS.—

''(1) ELIGIBLE PARTNERSHIPS.—In this part, the term 'eligible partnerships' means an entity that—

''(A) shall include—

''(i) a partner institution;

''(ii) a school of arts and sciences; and

''(iii) a high need local educational agency; and

''(B) may include a Governor, State educational agency, the State board of education, the State agency for higher education, an institution of higher education not described in subparagraph (A), a community college, a public charter school, a public or private elementary school or secondary school, a public or private nonprofit educational organization, a business, a teacher organization, or a prekindergarten program.

''(2) PARTNER INSTITUTION.—In this section, the term 'partner institution' means a private independent or State-supported public institution of higher education, the teacher training program of which demonstrates that—

''(A) graduates from the teacher training program exhibit strong performance on State-determined qualifying assessments for new teachers through—

''(i) demonstrating that 80 percent or more of the graduates of the program who intend to enter the field of teaching have passed all of the applicable State qualification assessments for new teachers, which shall include an assessment of each prospective teacher's subject matter knowledge in the content area or areas in which the teacher intends to teach; or

''(ii) being ranked among the highest-performing teacher preparation programs in the State as determined by the State—

''(I) using criteria consistent with the requirements for the State report card under section 207(b); and

''(II) using the State report card on teacher preparation required under section 207(b), after the first publication of such report card and for every year thereafter; or

''(B) the teacher training program requires all the students of the program to participate in intensive clinical experience, to meet high academic standards, and—

''(i) in the case of secondary school candidates, to successfully complete an academic major in the subject area in which the candidate intends to teach or to demonstrate competence through a high level of performance in relevant content areas; and

''(ii) in the case of elementary school candidates, to successfully complete an academic major in the arts and sciences or to demonstrate competence through a high level of performance in core academic subject areas.

''(c) APPLICATION.—Each eligible partnership desiring a grant under this section shall submit an application to the Secretary or State, as appropriate, at such time, in such manner, and accompanied by such information as the Secretary or State, as appropriate, may require. Each such application shall—

''(1) contain a needs assessment of all the partners with respect to teaching and learning and a description of how the partnership will coordinate with other teacher training or professional development programs, and how the activities of the partnership will be consistent with State, local, and other education reform activities that promote student achievement and parent involvement;

''(2) contain a resource assessment that describes the resources available to the partnership, the intended use of the grant funds, including a description of how the grant funds will be fairly distributed in accordance with subsection (f), and the commitment of the resources of the partnership to the activities assisted under this part, including financial support, faculty participation, time commitments, and continuation of the activities when the grant ends; and

''(3) contain a description of—

''(A) how the partnership will meet the purposes of this part;

''(B) how the partnership will carry out the activities required under subsection (d) and any permissible activities under subsection (e); and

''(C) the partnership's evaluation plan pursuant to section 206(b).

''(d) REQUIRED USES OF FUNDS.—An eligible partnership that receives a grant under this section shall use the grant funds to carry out the following activities:

''(1) REFORMS.—Implementing reforms within teacher preparation programs to hold the programs accountable for preparing teachers who are highly competent in the academic content areas in which the teachers plan to teach, and for promoting strong teaching skills, including working with a school of arts and sciences and integrating reliable research-based teaching methods into the curriculum, which curriculum shall include programs designed to successfully integrate technology into teaching and learning.

''(2) CLINICAL EXPERIENCE AND INTERACTION.—Providing sustained and high-quality preservice clinical experience including the mentoring of prospective teachers by veteran teachers, and substantially increasing interaction between faculty at institutions of higher education and new and experienced teachers, principals, and other administrators at elementary schools or secondary schools, and providing support, including preparation time, for such interaction.

''(3) PROFESSIONAL DEVELOPMENT.—Creating opportunities for enhanced and ongoing professional development that improves the academic content knowledge of teachers in the subject areas in which the teachers are certified to teach or in which the teachers are working toward certification to teach, and that promotes strong teaching skills.

''(4) ENSURING ADEQUATE PREPARATION TO MEET HIGH STANDARDS.—Developing and implementing accountability measures for preservice—

''(A) training in reading;

''(B) training in addressing the needs of children with disabilities and limited English proficient individuals;

''(C) training in data analysis and how to use student achievement data to improve instruction; and

''(D) optional training in teaching advanced placement or international baccalaureate courses.

''(5) TEACHER PREPARATION AND PARENTAL INVOLVEMENT.—Preparing teachers with the knowledge and skills to enable such teachers to—

''(A) provide instruction to diverse student populations, including individuals with disabilities and limited English proficient individuals; and

''(B) work with and involve parents in their children's education and in the teacher preparation program reform process.

''(6) TEACHER PREPARATION ENHANCEMENT INTERNSHIP.—Developing a 1-year paid internship program for students who have completed a 4-year teacher education program to enable such students to develop the skills and experience necessary for success in teaching, including providing intensive clinical training and combining in-service instruction in teacher methods and assessments with classroom observations, experiences, and practices. Such interns would have a reduced teaching load and a mentor for assistance in the classroom.

''(e) ALLOWABLE USES OF FUNDS.—An eligible partnership that receives a grant under this section may use such funds to carry out any of the following activities:

''(1) DISSEMINATION AND COORDINATION.—Broadly disseminating information on effective practices used by the partnership, and coordinating with the activities of the Governor, State board of education, State higher education agency, and State educational agency, as appropriate.

''(2) MANAGERIAL AND LEADERSHIP SKILLS.—Developing and implementing proven mechanisms to provide principals and superintendents with effective managerial and leadership skills that result in increased student achievement.

''(3) SCHOLARSHIPS.—

''(A) IN GENERAL.—Awarding scholarships to help students pay the costs of tuition, room, board, and other expenses of completing a teacher preparation program.

''(B) SUPPORT SERVICES.—Providing support services, if needed, to enable scholarship recipients to complete postsecondary education programs.

''(C) ASSISTANCE TO BECOME HIGHLY QUALIFIED TEACHERS.—Providing teachers who are not highly qualified with the opportunity to take coursework or credentialing courses in order to become highly qualified teachers.

''(D) FOLLOWUP SERVICES.—Providing followup services to former scholarship recipients during the recipients' first 3 years of teaching.

''(E) SERVICE REQUIREMENT.—The Secretary or State, as appropriate, shall establish such requirements as the Secretary or State, as appropriate, finds necessary to ensure that recipients of scholarships under this paragraph who complete teacher education programs subsequently teach in a high need local educational agency, for a period of time equivalent to the period for which the recipients receive scholarship assistance, or repay the amount of the scholarship. The Secretary or State, as appropriate, shall use any such repayments to carry out additional activities under this section.

''(4) FINANCIAL INCENTIVES.—Providing financial incentives for teachers to teach in high need schools in which there exists a shortage of highly qualified teachers.

''(5) RECRUITING AND HIRING TEACHERS.—

''(A) IN GENERAL.—Establishing programs that—

''(i) train and hire regular and special education teachers (which may include hiring special education teachers to team-teach in classrooms that contain both children with disabilities and nondisabled children);

''(ii) train and hire highly qualified teachers of special needs children, as well as

teaching specialists in core academic subjects who will provide increased individualized instruction to students;

''(iii) recruit qualified professionals from other fields, including highly qualified paraprofessionals (as defined in section 2102 of the Elementary and Secondary Education Act of 1965), and provide such professionals with alternative routes to teacher certification, including developing and implementing hiring policies that ensure comprehensive recruitment efforts as a way to expand the applicant pool, such as through identifying teachers certified through alternative routes, and using a system of intensive screening designed to hire the most qualified applicants; and

''(iv) provide increased opportunities for minorities, individuals with disabilities, and other individuals underrepresented in the teaching profession.

''(B) REDUCTION IN CLASS SIZE.—Recruiting and hiring highly qualified teachers to reduce class size, particularly in the early grades.

''(6) FACULTY OPPORTUNITY PROGRAMS.—Awarding competitive grants to institutions of higher education to enable such institutions to fill education faculty vacancies in special education, early childhood education, and bilingual education, to create new faculty positions that are targeted toward training highly qualified special education, early childhood education, and bilingual education teachers, and to develop doctoral programs in special education, early childhood education, and bilingual education that will produce new faculty at institutions of higher education in such subject areas. Funds from such grants may be used to develop and carry out recruitment strategies, subsidize moving expenses, provide bonuses, provide fully subsidized salaries for not more than 2 years per new faculty member, and provide partially subsidized salaries for not more than an additional 3 years per new faculty member. If an institution of higher education receives a grant under this paragraph and uses the grant funds to provide faculty salaries, such institution shall continue to fully fund such faculty positions for not less than 5 years after the end of Federal funding under the grant.

''(f) SPECIAL RULE.—No individual member of an eligible partnership shall retain more than 50 percent of the funds made available to the partnership under this section.

''(g) CONSTRUCTION.—Nothing in this section shall be construed to prohibit an eligible partnership from using grant funds to coordinate with the activities of more than 1 Governor, State board of education, State educational agency, local educational agency, or State agency for higher education.

''SEC. 205. ADMINISTRATIVE PROVISIONS.

''(a) DURATION; INCREASED ACCOUNTABILITY; PAYMENTS.—

''(1) DURATION.—

''(A) ELIGIBLE STATES AND ELIGIBLE APPLICANTS.—Grants awarded to eligible States and eligible applicants under this part shall be awarded for a period not to exceed 3 years.

''(B) ELIGIBLE PARTNERSHIPS.—Grants awarded to eligible partnerships under this part shall be awarded for a period of 5 years.

''(2) INCREASED ACCOUNTABILITY.—An eligible State, eligible applicant, or eligible partnership that receives more than 1 grant under this part has an increased accountability to disseminate information gained from such grants to States and local educational agencies.

''(3) PAYMENTS.—The Secretary shall make annual payments of grant funds awarded under this part.

''(b) PEER REVIEW.—

''(1) PANEL.—The Secretary shall provide the applications submitted under this part to a peer review panel for evaluation. With respect to each application, the peer review panel shall initially recommend the application for funding or for disapproval.

''(2) PRIORITY.—In recommending applications to the Secretary for funding under this part, the panel shall—

''(A) with respect to grants under section 203, give priority to eligible States serving States that—

''(i) have initiatives to reform State teacher certification requirements that are designed to ensure that current and future teachers possess the necessary teaching skills and academic content knowledge in the subject areas in which the teachers are certified or licensed to teach;

''(ii) include innovative reforms to hold institutions of higher education with teacher preparation programs accountable for preparing teachers who are highly competent in the academic content area in which the teachers plan to teach and have strong teaching skills; or

''(iii) involve the development of innovative efforts aimed at reducing the shortage of highly qualified teachers in high poverty urban and rural areas, and in subject areas of high need (including bilingual education, special education, mathematics, science, early childhood education, and vocational education); and

''(B) with respect to grants under section 204—

''(i) give priority to applications from eligible partnerships that involve businesses; and

''(ii) take into consideration—

''(I) providing an equitable geographic distribution of the grants throughout the United States; and

''(II) the potential of the proposed activities for creating improvement and positive change.

''(3) SECRETARIAL SELECTION.—The Secretary shall determine, based on the peer review process, which application shall receive funding and the amounts of the grants. In determining grant amounts, the Secretary shall take into account the total amount of funds available for all grants under this part and the types of activities proposed to be carried out.

''(c) MATCHING REQUIREMENTS.—

''(1) STATE GRANTS.—Each eligible State receiving a grant under section 203 shall provide, from non-Federal sources, an amount equal to 50 percent of the amount of the grant (in cash or in kind) to carry out the activities supported by the grant.

''(2) PARTNERSHIP GRANTS.—Each eligible partnership receiving a grant under section 204 shall provide, from non-Federal sources (in cash or in kind), an amount equal to 25 percent of the grant for the first year of the grant, 35 percent of the grant for the second year of the grant, and 50 percent of the grant for each succeeding year of the grant.

''(d) LIMITATION ON ADMINISTRATIVE EXPENSES.—An eligible State or eligible partnership that receives a grant under this part may not use more than 2 percent of the grant funds for purposes of administering the grant.

''SEC. 206. ACCOUNTABILITY AND EVALUATION.

''(a) STATE GRANT ACCOUNTABILITY REPORT.—An eligible State that receives a grant under section 203 shall submit an annual accountability report to the Secretary. Such report shall include a description of the degree to which the eligible State, in using funds provided under such section, has made substantial progress in meeting the following goals:

''(1) STUDENT ACHIEVEMENT.—Increasing student achievement for all students as defined by the eligible State.

''(2) RAISING STANDARDS.—Raising the State academic standards required to enter the teaching profession, including, where appropriate, through the use of incentives to incorporate the requirement of an academic major in the subject, or related discipline, in which the teacher plans to teach.

''(3) INITIAL CERTIFICATION OR LICENSURE.—Increasing success in the pass rate for initial State teacher certification or licensure, and increasing the numbers of highly qualified individuals being certified or licensed as teachers, including through alternative routes.

''(4) HIGHLY QUALIFIED TEACHERS.—Ensuring that all teachers teaching in core academic subjects within the State are highly qualified not later than the end of the 2005–2006 school year pursuant to section 1119(a)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319(a)(2)).

''(5) DECREASING TEACHER SHORTAGES.—Decreasing shortages of qualified teachers in poor urban and rural areas.

''(6) INCREASING OPPORTUNITIES FOR PROFESSIONAL DEVELOPMENT.—Increasing opportunities for enhanced and ongoing professional development that improves the academic content knowledge of teachers in the subject areas in which the teachers are certified or licensed to teach or in which the teachers are working toward certification or licensure to teach, and that promotes strong teaching skills.

''(7) TECHNOLOGY INTEGRATION.—Increasing the number of teachers prepared to integrate technology in the classroom.

''(b) ELIGIBLE PARTNERSHIP EVALUATION.—Each eligible partnership receiving a grant under section 204 shall establish and include in the application submitted under section 204(c), an evaluation plan that includes strong performance objectives. The plan shall include objectives and measures for—

''(1) increased student achievement for all students as measured by the partnership;

''(2) increased teacher retention in the first 3 years of a teacher's career;

''(3) increased success in the pass rate for initial State certification or licensure of teachers;

''(4) increased percentage of secondary school classes in core academic subject areas taught by highly qualified teachers;

''(5) increasing the number of teachers trained in technology; and

''(6) increasing the number of teachers prepared to work effectively with parents.

''(c) REVOCATION OF GRANT.—

''(1) REPORT.—Each eligible State or eligible partnership receiving a grant under this part shall report annually on the progress of the eligible State or eligible partnership toward meeting the purposes of this part and the goals, objectives, and measures described in subsections (a) and (b).

''(2) REVOCATION.—

''(A) ELIGIBLE STATES AND ELIGIBLE APPLICANTS.—If the Secretary determines that an eligible State or eligible applicant is not making substantial progress in meeting the purposes, goals, objectives, and measures, as appropriate, by the end of the second year of a grant under this part, then the grant payment shall not be made for the third year of the grant.

''(B) ELIGIBLE PARTNERSHIPS.—If the Secretary determines that an eligible partnership is not making substantial progress in meeting the purposes, goals, objectives, and measures, as appropriate, by the end of the third year of a grant under this part, then the grant payments shall not be made for any succeeding year of the grant.

''(d) EVALUATION AND DISSEMINATION.—The Secretary shall evaluate the activities funded under this part and report the Secretary's

findings regarding the activities to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives. The Secretary shall broadly disseminate successful practices developed by eligible States and eligible partnerships under this part, and shall broadly disseminate information regarding such practices that were found to be ineffective.

"SEC. 207. ACCOUNTABILITY FOR PROGRAMS THAT PREPARE TEACHERS.

''(a) DEVELOPMENT OF DEFINITIONS AND REPORTING METHODS; HIGH-QUALITY TEACHER PREPARATION PROGRAM.—

''(1) IN GENERAL.—Within 9 months of the date of enactment of the Higher Education Amendments of 1998, the Commissioner of the National Center for Education Statistics, in consultation with States and institutions of higher education, shall develop key definitions for terms, and uniform reporting methods (including the key definitions for the consistent reporting of pass rates and program completers), related to the performance of elementary school and secondary school teacher preparation programs.

''(2) HIGH-QUALITY TEACHER PREPARATION PROGRAM.—Each applicant for a grant under this part shall provide assurances in such applicant's application that the applicant will meet the following criteria:

''(A) Provide each teacher with each of the following skills and supports:

''(i) A deep knowledge of the subjects such teacher teaches.

''(ii) A firm understanding of how students learn.

''(iii) Teaching skills necessary to help all students achieve high standards, including children with disabilities and limited English proficient students.

''(iv) How to create a positive learning environment.

''(v) The ability to integrate challenging State academic content standards and challenging student academic achievement standards, and accountability into classroom teaching.

''(vi) The ability to use a variety of assessment strategies to diagnose and respond to individual learning needs.

''(vii) The ability to integrate modern technology into curricula to support student learning.

''(viii) Classroom management skills.

''(ix) Opportunities to collaborate with the teacher's colleagues, with parents, community members, and other educators.

''(x) The ability to work in partnership with parents and involve parents in their children's education.

''(xi) How to reflect on practices in order to improve teaching and student learning.

''(B) Ensure that each preservice teacher has the necessary skills to succeed in the classroom, including providing—

''(i) some training in reading, addressing the needs of children with disabilities and limited English proficient students, data analysis, and how to use student achievement data to improve instruction; and

''(ii) optional training in teaching advanced placement courses.

''(b) STATE REPORT CARD ON THE QUALITY OF TEACHER PREPARATION.—Each State that receives funds under this Act shall provide to the Secretary, within 2 years of the date of enactment of the Higher Education Amendments of 1998, and annually thereafter, in a uniform and comprehensible manner that conforms with the definitions and methods established in subsection (a), a State report card on the quality of teacher preparation in the State, which shall include at least the following:

''(1) A description of the teacher certification and licensure assessments, and any other certification and licensure requirements, used by the State.

''(2) The standards and criteria that prospective teachers must meet in order to attain initial teacher certification or licensure and to be certified or licensed to teach particular subjects or in particular grades within the State.

''(3) A description of the extent to which the assessments and requirements described in paragraph (1) are aligned with the State's standards and assessments for students.

''(4) The percentage of teaching candidates who passed each of the assessments used by the State for teacher certification and licensure, and the passing score on each assessment that determines whether a candidate has passed that assessment.

''(5) The percentage of teaching candidates who passed each of the assessments used by the State for teacher certification and licensure, disaggregated and ranked, by the teacher preparation program in that State from which the teacher candidate received the candidate's most recent degree, which shall be made available widely and publicly.

''(6) Information on the extent to which teachers in the State are given waivers of State certification or licensure requirements, including the proportion of such teachers distributed across high- and low-poverty school districts and across subject areas.

''(7) A description of each State's alternative routes to teacher certification, if any, and the percentage of teachers certified through alternative certification routes who pass State teacher certification or licensure assessments.

''(8) For each State, a description of proposed criteria for assessing the performance of teacher preparation programs within institutions of higher education in the State, including indicators of teacher candidate knowledge and skills.

''(9) Information on the extent to which teachers or prospective teachers in each State are required to take examinations or other assessments of their subject matter knowledge in the area or areas in which the teachers provide instruction, the standards established for passing any such assessments, and the extent to which teachers or prospective teachers are required to receive a passing score on such assessments in order to teach in specific subject areas or grade levels.

''(c) INITIAL REPORT.—

''(1) IN GENERAL.—Each State that receives funds under this Act, not later than 6 months after the date of enactment of the College Quality, Affordability, and Diversity Improvement Act of 2003 and in a uniform and comprehensible manner, shall submit to the Secretary the information described in paragraphs (1), (5), and (6) of subsection (b). Such information shall be compiled by the Secretary and submitted to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives not later than 9 months after the date of enactment of the College Quality, Affordability, and Diversity Improvement Act of 2003.

''(2) CONSTRUCTION.—Nothing in this subsection shall be construed to require a State to gather information that is not in the possession of the State or the teacher preparation programs in the State, or readily available to the State or teacher preparation programs.

''(d) REPORT OF THE SECRETARY ON THE QUALITY OF TEACHER PREPARATION.—

''(1) REPORT CARD.—The Secretary shall provide to Congress, and publish and make widely available, a report card on teacher qualifications and preparation in the United States, including all the information reported in paragraphs (1) through (9) of subsection (b). Such report shall identify States for which eligible States and eligible partnerships received a grant under this part. Such report shall be so provided, published and made available not later than 2 years 6 months after the date of enactment of the Higher Education Amendments of 1998 and annually thereafter.

''(2) REPORT TO CONGRESS.—The Secretary shall report to Congress—

''(A) a comparison of States' efforts to improve teaching quality; and

''(B) regarding the national mean and median scores on any standardized test that is used in more than 1 State for teacher certification or licensure.

''(3) SPECIAL RULE.—In the case of teacher preparation programs with fewer than 10 graduates taking any single initial teacher certification or licensure assessment during an academic year, the Secretary shall collect and publish information with respect to an average pass rate on State certification or licensure assessments taken over a 3-year period.

''(4) DATABASE.—The Secretary shall collect data and develop a national and public database that provides reports on States' passage rates on certification and licensure assessments, the placement rates for teacher preparation programs, the percentage of full-time faculty in institutions of higher education in each State who teach classes offered by a school of education, the tracking of graduates 3 years after graduating from a teacher preparation program, and other relevant information, as appropriate.

''(e) COORDINATION.—The Secretary, to the extent practicable, shall coordinate the information collected and published under this part among States for individuals who took State teacher certification or licensure assessments in a State other than the State in which the individual received the individual's most recent degree.

''(f) INSTITUTIONAL REPORT CARDS ON THE QUALITY OF TEACHER PREPARATION.—

''(1) REPORT CARD.—Each institution of higher education that conducts a teacher preparation program that enrolls students receiving Federal assistance under this Act, not later than 18 months after the date of enactment of the Higher Education Amendments of 1998 and annually thereafter, shall report to the State and the general public, in a uniform and comprehensible manner that conforms with the definitions and methods established under subsection (a), the following information:

''(A) PASS RATE.—(i) For the most recent year for which the information is available, the pass rate of the institution's graduates on the teacher certification or licensure assessments of the State in which the institution is located, but only for those students who took those assessments within 3 years of completing the program.

''(ii) A comparison of the program's pass rate with the average pass rate for programs in the State.

''(iii) In the case of teacher preparation programs with fewer than 10 graduates taking any single initial teacher certification or licensure assessment during an academic year, the institution shall collect and publish information with respect to an average pass rate on State certification or licensure assessments taken over a 3-year period.

''(B) PROGRAM INFORMATION.—The number of students in the program, the average number of hours of supervised practice teaching required for those in the program, and the faculty-student ratio in supervised practice teaching.

''(C) STATEMENT.—In States that approve or accredit teacher education programs, a statement of whether the institution's program is so approved or accredited.

''(D) DESIGNATION AS LOW-PERFORMING.—Whether the program has been designated as low-performing by the State under section 208(a).

''(E) PERCENTAGE OF FACULTY IN SCHOOL OF EDUCATION.—The percentage of full-time faculty at the institution of higher education who teach classes offered by the school of education.

''(2) REQUIREMENT.—The information described in paragraph (1) shall be reported through publications such as school catalogs and promotional materials sent to potential applicants, secondary school guidance counselors, and prospective employers of the institution's program graduates.

''(3) FINES.—In addition to the actions authorized in section 487(c), the Secretary may impose a fine not to exceed $25,000 on an institution of higher education for failure to provide the information described in this subsection in a timely or accurate manner.

''(g) NATIONAL ACADEMY OF SCIENCES CORE CURRICULUM STUDY.—

''(1) IN GENERAL.—The Secretary shall enter into a contract with the National Academy of Sciences to conduct a 2-year study to develop a suggested core curriculum in pedagogy for schools of education for such schools' teacher education program that assists those within the education profession and prospective teachers to understand what prospective teachers need to know to become effective teachers.

''(2) DOMAINS OF FOUNDATIONAL AND PEDAGOGICAL KNOWLEDGE.—The study under paragraph (1) shall include each of the following domains of foundational and pedagogical knowledge:

''(A) Learning, which would include building on existing knowledge and experience shaped by social and cultural context in the community and in the classroom.

''(B) Human development, which would include how children and adolescents think and behave, taking in account different ages, contexts, and learning styles.

''(C) Assessment, which would include the introduction of standards-based reform.

''(D) Teaching strategies, which would include providing all teachers with the tools needed to be successful in the classroom, especially with students who have specific learning disabilities or needs such as language acquisition.

''(E) Reading instruction, which would include taking in account different ages, contexts, and learning styles.

''(3) BEST RESEARCH; SUGGESTED TRAINING.—The suggested core curriculum developed under paragraph (1) shall reflect the best research into how students learn and on the content-specific methods shown to be effective with students, including examining how children learn. The suggested core curriculum shall include suggested training in working with diverse populations, assessments in the classroom, and classroom management.

''(4) COLLABORATION.—

''(A) IN GENERAL.—In conducting the study under paragraph (1), the National Academy of Sciences shall collaborate with interested parties in developing the suggested core curriculum.

''(B) INTERESTED PARTIES.—In this paragraph, the term 'interested parties' means—

''(i) college presidents;

''(ii) deans of teacher education programs;

''(iii) teacher preparation faculty;

''(iv) chief State school officers;

''(v) school superintendents;

''(vi) teacher organizations;

''(vii) outstanding teachers; and

''(viii) teacher preparation accrediting organizations.

''SEC. 208. STATE FUNCTIONS.

''(a) STATE ASSESSMENT.—In order to receive funds under this Act, a State, not later than 2 years after the date of enactment of the Higher Education Amendments of 1998, shall have in place a procedure to identify, and assist, through the provision of technical assistance, low-performing programs of teacher preparation within institutions of higher education. Such State shall provide the Secretary an annual list of such low-performing institutions that includes an identification of those institutions at risk of being placed on such list. Such levels of performance shall be determined solely by the State and may include criteria based upon information collected pursuant to this part. Such assessment shall be described in the report under section 207(b).

''(b) TERMINATION OF ELIGIBILITY.—Any institution of higher education that offers a program of teacher preparation in which the State has withdrawn the State's approval or terminated the State's financial support due to the low performance of the institution's teacher preparation program based upon the State assessment described in subsection (a)—

''(1) shall be ineligible for any funding for professional development activities awarded by the Department of Education;

''(2) shall not be permitted to accept or enroll any student that receives aid under title IV of this Act in the institution's teacher preparation program; and

''(3) shall provide transitional support, including remedial services if necessary, for students enrolled at the institution at the time of termination of financial support or withdrawal of approval.

''(c) NEGOTIATED RULEMAKING.—If the Secretary develops any regulations implementing subsection (b)(2), the Secretary shall submit such proposed regulations to a negotiated rulemaking process, which shall include representatives of States, institutions of higher education, and educational and student organizations.

''SEC. 209. GENERAL PROVISIONS.

''(a) METHODS.—In complying with sections 207 and 208, the Secretary shall ensure that States and institutions of higher education use fair and equitable methods in reporting and that the reporting methods protect the privacy of individuals.

''(b) SPECIAL RULE.—For each State in which there are no State certification or licensure assessments, or for States that do not set minimum performance levels on those assessments—

''(1) the Secretary shall, to the extent practicable, collect data comparable to the data required under this part from States, local educational agencies, institutions of higher education, or other entities that administer such assessments to teachers or prospective teachers; and

''(2) notwithstanding any other provision of this part, the Secretary shall use such data to carry out the requirements of this part related to assessments or pass rates.

''(c) LIMITATIONS.—

''(1) FEDERAL CONTROL PROHIBITED.—Nothing in this part shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law. This section shall not be construed to prohibit private, religious, or home schools from participation in programs or services under this part.

''(2) NO CHANGE IN STATE CONTROL ENCOURAGED OR REQUIRED.—Nothing in this part shall be construed to encourage or require any change in a State's treatment of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law.

''(3) NATIONAL SYSTEM OF TEACHER CERTIFICATION PROHIBITED.—Nothing in this part shall be construed to permit, allow, encourage, or authorize the Secretary to establish or support any national system of teacher certification.

''SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part $300,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years.

''PART B—INNOVATIVE STRATEGIES TO RECRUIT, TRAIN, AND RETAIN HIGH QUALITY TEACHERS AND PRINCIPALS

''SEC. 215. INCENTIVES TO RECRUIT AND RETAIN HIGH QUALITY TEACHERS AND ADMINISTRATORS.

''(a) MENTORING PROGRAM.—

''(1) AUTHORIZATION.—

''(A) IN GENERAL.—The Secretary shall award grants, on a competitive basis, to eligible partnerships to enable the eligible partnerships to develop mentoring programs that help train and retain new teachers and provide professional routes for experienced teachers.

''(B) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to eligible partnerships that consist of a high need local educational agency with—

''(i) high rates of teacher turnover; and

''(ii) shortages of teachers in subject areas of high need (including bilingual education, special education, mathematics, science, vocational education, and early childhood education) and teachers in rural areas.

''(2) ELIGIBLE PARTNERSHIP.—In this subsection, the term 'eligible partnership' means a partnership among an institution of higher education, a high need local educational agency, and a nonprofit entity (including teacher organizations) that has an established record of providing effective teacher training.

''(3) APPLICATION.—An eligible partnership that desires a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(4) USE OF FUNDS.—

''(A) MANDATORY USES.—An eligible partnership that receives a grant under this subsection shall develop a mentoring program that is not less than 1 year in duration and does each of the following:

''(i) Provides—

''(I) training for experienced teachers to become mentors;

''(II) training from trained mentors to teach teachers in schools served by high need local educational agencies;

''(III) stipends to mentors; and

''(IV) release time or a reduced class load for mentors and the teachers being mentored, or both.

''(ii) Outlines specific criteria for who can serve as mentors, coaches, and team leaders.

''(iii) Requires mentors to—

''(I) be fully licensed;

''(II) be permanent (nonprobationary) classroom teachers;

''(III) have completed not less than 3 years of teaching;

''(IV) demonstrate mastery of pedagogy and the subject matter such mentor teaches;

''(V) have superior teaching and interpersonal skills;

''(VI) have the ability to integrate challenging State academic content standards and challenging student academic achievement standards and accountability into classroom teaching;

''(VII) use a variety of assessment strategies to respond to individual learning needs; and

''(VIII) reflect on their teaching practices in order to improve teaching and student learning.

''(iv) Endeavors to match mentors and the teachers being mentored by geographic proximity or by the same grade level and subject matter area of teaching, or both.

''(v) Ensures that teachers who have been mentored will work in schools served by high need local educational agencies for a specified period of time.

''(vi) Provides a plan to evaluate the mentoring program.

''(B) PERMISSIBLE USES.—An eligible partnership that receives a grant under this subsection may use the grant funds to provide academic credit toward an advanced degree for mentors and the teachers being mentored.

''(5) DURATION OF GRANTS.—Grants awarded under this subsection shall be for 3 years in duration.

''(6) EVALUATION.—

''(A) IN GENERAL.—Not later than the last day of the grant award, an eligible partnership that receives a grant under this subsection shall submit an accountability report to the Secretary.

''(B) CONTENT.—The accountability report under subparagraph (A) shall include, at a minimum—

''(i) teacher retention rates for teachers participating in the mentoring program as compared with teachers in the high need local educational agency not participating in the mentoring program;

''(ii) results of evaluations on mentor and teachers being mentored satisfaction with the mentoring program; and

''(iii) results of the plan developed by the eligible partnership to evaluate the mentoring program.

''(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $50,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years.

''(b) HOUSING INCENTIVES PROGRAM.—

''(1) GRANT PROGRAM AUTHORIZED.—The Secretary shall award grants, on a competitive basis, to eligible partnerships to enable the eligible partnerships to develop a housing incentive program that assists teachers who teach in schools served by high need local educational agencies to afford housing.

''(2) ELIGIBLE PARTNERSHIP.—In this subsection:

''(A) IN GENERAL.—The term 'eligible partnership' means a partnership between—

''(i)(I) a high need local educational agency; or

''(II) a State educational agency; and

''(ii) an institution of higher education.

''(B) OTHER ENTITIES.—The term 'eligible partnership' may include other public entities or private entities.

''(3) APPLICATION.—An eligible partnership that desires a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(4) USE OF FUNDS.—An eligible partnership that receives a grant under this subsection shall use the grant funds to develop a housing incentive program that—

''(A) provides financial incentives to teachers who teach in schools served by high need local educational agencies by providing for such teachers funds for—

''(i) a downpayment on a home;

''(ii) closing costs associated with purchasing a home; or

''(iii) moving expenses; or

''(B) develops a partnership with a lender to create a home loan program for teachers who teach in schools served by high need local educational agencies that provides home loans to such teachers that—

''(i) are insured by the eligible partnership; or

''(ii) require minimal or no downpayment.

''(5) SERVICE REQUIREMENT.—A teacher that receives assistance under this subsection shall—

''(A) teach in a school served by a high need local educational agency for not less than 5 subsequent school years; or

''(B) repay the amount of assistance.

''(6) EVALUATION.—

''(A) IN GENERAL.—An eligible partnership that receives a grant under this subsection shall develop an evaluation of the partnership's housing incentive program that includes, at a minimum—

''(i) how many teachers received assistance under the program and retention rates in schools served by high need local educational agencies for such teachers;

''(ii) whether the program helped improve teacher shortages;

''(iii) a description of the specific inactive model that was used to develop the housing incentive program;

''(iv) if applicable, how partnerships with lenders worked; and

''(v) successful practices.

''(B) SUBMISSION OF EVALUATION.—Not later than the last day of the grant award, the eligible partnership shall submit to the Secretary the evaluation developed under subparagraph (A).

''(7) TAX EXEMPTION.—The amount of any financial assistance received by a teacher under a housing incentive program developed pursuant to this subsection shall not be considered income for purposes of the Internal Revenue Code of 1986.

''(8) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $50,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years.

''(c) COMMUNITY COLLEGE AS A PARTNER.—

''(1) GRANT PROGRAM AUTHORIZED.—The Secretary shall award grants, on a competitive basis, to eligible partnerships to enable the eligible partnerships to strengthen teacher preparation programs.

''(2) ELIGIBLE PARTNERSHIP.—In this subsection, the term 'eligible partnership' means a partnership between—

''(A) a community college; and

''(B) a 4-year institution of higher education that has a teacher preparation program.

''(3) APPLICATION.—An eligible partnership that desires a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(4) USE OF FUNDS.—

''(A) MANDATORY USES.—An eligible partnership that receives a grant under this subsection shall do both of the following:

''(i) COMMUNITY COLLEGE ACTIVITIES.—The community college of the eligible partnership shall develop and strengthen the core curriculum centered on a liberal arts education at such college that adequately prepares students to enter the teacher preparation program at the 4-year institution of higher education of the eligible partnership.

''(ii) 4-YEAR INSTITUTION OF HIGHER EDUCATION ACTIVITIES.—

''(I) IN GENERAL.—The 4-year institution of higher education of the eligible partnership shall provide intensive support services for students that enter the teacher preparation program from the community college of the eligible partnership.

''(II) SUPPORT SERVICES.—The support services shall be offered prior to and during such student's tenure at the 4-year institution of higher education and shall include mentoring, and academic and career support.

''(III) POINT PERSON.—The 4-year institution of higher education shall provide a point person within the teacher preparation program whose sole job is to provide support services to the students described in subclause (I).

''(B) PERMISSIVE USES.—An eligible partnership that receives a grant under this subsection may use the grant funds to provide compensation to staff in the teacher preparation programs at the community college and 4-year institution of higher education.

''(5) DURATION OF GRANTS.—Grants awarded under this subsection shall be for 5 years in duration.

''(6) EVALUATION.—

''(A) IN GENERAL.—An eligible partnership that receives a grant under this subsection shall develop an evaluation of the partnerships's activities under this subsection that—

''(i) includes the number of student teachers served and the retention rate in the 4-year institution of higher education of such student teachers;

''(ii) addresses the qualification of such student teachers when graduating from the 4-year institution of higher education, including whether such student teachers found teaching positions and whether they passed State certification examinations; and

''(iii) includes successful practices.

''(B) SUBMISSION OF EVALUATION.—Not later than the last day of the grant award, the eligible partnership shall submit to the Secretary the evaluation developed under subparagraph (A).

''(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $25,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years.

''(d) PARAPROFESSIONALS TO TEACHERS.—

''(1) GRANT PROGRAM AUTHORIZED.—The Secretary shall award grants, on a competitive basis, to eligible partnerships to enable the eligible partnerships to develop a Paraprofessionals to Teachers Program (in this subsection referred to as the 'Program') to assist paraprofessionals employed by high need local educational agencies to become teachers.

''(2) ELIGIBLE PARTNERSHIP.—In this subsection, the term 'eligible partnership' means a partnership among an institution of higher education, a high need local educational agency, and other entities that may include businesses, community colleges, and teacher organizations.

''(3) APPLICATION.—An eligible partnership that desires a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(4) USE OF FUNDS.—

''(A) IN GENERAL.—An eligible partnership that receives a grant under this subsection shall develop a Program to assist paraprofessionals employed by the high need local educational agency of the eligible partnership to become teachers by—

''(i) developing a teacher preparation program at the institution of higher education of the eligible partnership for paraprofessionals that allows for part-time study and flexible student teaching and coursework schedules;

''(ii) ensuring that paraprofessionals enrolled in the teacher preparation program under clause (i) retain such paraprofessionals' benefit packages with the high need

local educational agency while enrolled in the teacher preparation program;

''(iii) providing support services for such paraprofessionals that include tutoring to meet teacher preparation program requirements, child care, career counseling, and financial aid guidance; and

''(iv) providing mentoring for such paraprofessionals during their first 3 years of teaching.

''(B) PERMISSIBLE USE OF FUNDS.—An eligible partnership that receives a grant under this subsection may use the grant funds for—

''(i) tuition expenses of paraprofessionals in the teacher preparation program;

''(ii) child care expenses of paraprofessionals;

''(iii) release time for paraprofessionals;

''(iv) compensation for mentors;

''(v) support services for paraprofessionals;

''(vi) salaries of staff at the institution of higher education and the high need local educational agency of the eligible partnership; and

''(vii) stipends for paraprofessionals.

''(5) ACTIVITIES OF THE HIGH NEED LOCAL EDUCATIONAL AGENCY.—The high need local educational agency of the eligible partnership shall—

''(A) make efforts to recruit paraprofessionals employed by such agency to participate in the Program;

''(B) arrange for administrative leave for paraprofessionals employed by such agency who participate in the Program; and

''(C) guarantee a provisional teaching position to paraprofessionals employed by such agency who participate in the Program upon completion of the Program.

''(6) DURATION OF GRANTS.—Grants awarded under this subsection shall be for 3 years in duration.

''(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $50,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years.

''(e) SCHOOL LEADERSHIP DEVELOPMENT PROGRAM FOR PRINCIPALS, ASSISTANT PRINCIPALS, AND SUPERINTENDENTS.—

''(1) GRANT PROGRAM AUTHORIZED.—The Secretary shall award grants, on a competitive basis, to eligible partnerships to enable the eligible partnerships to provide practical training to principals, assistant principals, and school superintendents that focuses on developing and enhancing the skills necessary to serve as instructional leaders of schools and school systems.

''(2) ELIGIBLE PARTNERSHIP.—In this subsection, the term 'eligible partnership'—

''(A) means a partnership between—

''(i) an institution of higher education; and

''(ii) 1 or more high need local educational agencies; and

''(B) may include a school principal professional organization.

''(3) APPLICATION.—An eligible partnership that desires a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(4) USE OF FUNDS.—

''(A) IN GENERAL.—An eligible partnership that receives a grant under this subsection shall establish a certificate program for principals, assistant principals, and school superintendents that is developed by education experts and practitioners and that provides training in—

''(i) diagnostic leadership skills assessment;

''(ii) the development of knowledge and skills that contribute to the effective practice of instructional leadership behaviors;

''(iii) research methodology for educational leaders that includes understanding of systematic and empirical research methods, application of rigorous data analyses, collections of reliable and valid data, knowledge of appropriate research designs, and the importance of peer review and other external scrutiny, and its application to the practice of school leadership; and

''(iv) the development of knowledge and skills to develop and align curriculum, assessments, and instruction with standards, legislation, and regulations.

''(B) PERMISSIBLE USE OF FUNDS.—An eligible partnership that receives a grant under this subsection may use the grant funds—

''(i) to provide training in developing and enhancing the skills necessary to effectively run schools for individuals who are about to become principals, assistant principals, or school superintendents;

''(ii) for a pre-induction year internship or apprenticeship with a successful practitioner to help train individuals who are about to become principals, assistant principals, or school superintendents, and, during an induction year, to support and develop the capacity of new principals, assistant principals, and school superintendents as instructional leaders; and

''(iii) to provide mentoring and peer coaching services for principals, assistant principals, and school superintendents to enable exemplary principals, assistant principals, and school superintendents to serve as mentors and role models.

''(5) TECHNOLOGY.—In carrying out activities under this subsection, an eligible partnership shall use, to the extent practicable, technology as an outreach mechanism to expand opportunities for professional development and ongoing support services for principals, assistant principals, and school superintendents.

''(6) REPORT.—An eligible partnership that receives a grant under this subsection shall submit to the Secretary an evaluation detailing the use of grant funds under this subsection and the progress in meeting the goals of the eligible partnership.

''(7) DURATION OF GRANTS.—Grants awarded under this subsection shall be for 3 years in duration.

''(8) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $25,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years.

''PART C—PREPARING TOMORROW'S TEACHERS TO USE TECHNOLOGY

''SEC. 221. PURPOSE AND PROGRAM AUTHORITY.

''(a) PURPOSE.—It is the purpose of this part to assist consortia of public and private entities—

''(1) to carry out programs that prepare prospective teachers to use advanced technology to prepare all students to meet challenging State and local academic content and student academic achievement standards; and

''(2) to improve the ability of institutions of higher education to carry out such programs.

''(b) PROGRAM AUTHORITY.—

''(1) IN GENERAL.—The Secretary is authorized to award grants to eligible applicants, or enter into contracts or cooperative agreements with eligible applicants, on a competitive basis in order to pay for the Federal share of the cost of projects to develop or redesign teacher preparation programs to enable prospective teachers to use advanced technology effectively in their classrooms.

''(2) PERIOD OF AWARDS.—The Secretary may award grants, or enter into contracts or cooperative agreements, under this part for periods that are not more than 5 years in duration.

''SEC. 222. ELIGIBILITY.

''(a) ELIGIBLE APPLICANTS.—In order to receive a grant or enter into a contract or cooperative agreement under this part, an applicant shall be a consortium that includes the following:

''(1) At least one institution of higher education that awards baccalaureate degrees and prepares teachers for their initial entry into teaching.

''(2) At least one State educational agency or local educational agency.

''(3) One or more of the following entities:

''(A) An institution of higher education (other than the institution described in paragraph (1)).

''(B) A school or department of education at an institution of higher education.

''(C) A school or college of arts and sciences (as defined in section 201(b)) at an institution of higher education.

''(D) A professional association, foundation, museum, library, for-profit business, public or private nonprofit organization, community-based organization, or other entity, with the capacity to contribute to the technology-related reform of teacher preparation programs.

''(b) APPLICATION REQUIREMENTS.—In order to receive a grant or enter into a contract or cooperative agreement under this part, an eligible applicant shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Such application shall include the following:

''(1) A description of the proposed project, including how the project would—

''(A) ensure that individuals participating in the project would be prepared to use advanced technology to prepare all students, including groups of students who are underrepresented in technology-related fields and groups of students who are economically disadvantaged, to meet challenging State and local academic content and student academic achievement standards; and

''(B) improve the ability of at least one participating institution of higher education described in section 222(a)(1) to ensure such preparation.

''(2) A demonstration of—

''(A) the commitment, including the financial commitment, of each of the members of the consortium for the proposed project; and

''(B) the active support of the leadership of each organization that is a member of the consortium for the proposed project.

''(3) A description of how each member of the consortium will participate in project activities.

''(4) A description of how the proposed project will be continued after Federal funds are no longer awarded under this part for the project.

''(5) A plan for the evaluation of the project, which shall include benchmarks to monitor progress toward specific project objectives.

''(c) MATCHING REQUIREMENTS.—

''(1) IN GENERAL.—The Federal share of the cost of any project funded under this part shall not exceed 50 percent. Except as provided in paragraph (2), the non-Federal share of the cost of such project may be provided in cash or in kind, fairly evaluated, including services.

''(2) ACQUISITION OF EQUIPMENT.—Not more than 10 percent of the funds awarded for a project under this part may be used to acquire equipment, networking capabilities, or infrastructure, and the non-Federal share of the cost of any such acquisition shall be provided in cash.

''SEC. 223. USE OF FUNDS.

''(a) REQUIRED USES.—A consortium that receives a grant or enters into a contract or

cooperative agreement under this part shall use funds made available under this part for—

''(1) a project creating one or more programs that prepare prospective teachers to use advanced technology to prepare all students, including groups of students who are underrepresented in technology-related fields and groups of students who are economically disadvantaged, to meet challenging State and local academic content and student academic achievement standards; and

''(2) evaluating the effectiveness of the project.

''(b) PERMISSIBLE USES.—The consortium may use funds made available under this part for a project, described in the application submitted by the consortium under this part, that carries out the purpose of this part, such as the following:

''(1) Developing and implementing high-quality teacher preparation programs that enable educators—

''(A) to learn the full range of resources that can be accessed through the use of technology;

''(B) to integrate a variety of technologies into curricula and instruction in order to expand students' knowledge;

''(C) to evaluate educational technologies and their potential for use in instruction;

''(D) to help students develop their technical skills; and

''(E) to use technology to collect, manage, and analyze data to improve teaching and decisionmaking.

''(2) Developing alternative teacher development paths that provide elementary schools and secondary schools with well-prepared, technology-proficient educators.

''(3) Developing achievement-based standards and assessments aligned with the standards to measure the capacity of prospective teachers to use technology effectively in their classrooms.

''(4) Providing technical assistance to entities carrying out other teacher preparation programs.

''(5) Developing and disseminating resources and information in order to assist institutions of higher education to prepare teachers to use technology effectively in their classrooms.

''(6) Subject to section 222(c)(2), acquiring technology equipment, networking capabilities, infrastructure, software, and digital curricula to carry out the project.

''SEC. 224. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part—

''(1) $150,000,000 for fiscal year 2004; and

''(2) such sums as may be necessary for each of the 5 succeeding fiscal years.''.

TITLE III—DIVERSITY, RETENTION, AND ENRICHED ACADEMICS FOR MATRICULATING STUDENTS

SEC. 301. TEST PREPARATION FOR LOW-INCOME STUDENTS.

Title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amended by adding at the end the following:

''PART J—TEST PREPARATION FOR LOW-INCOME STUDENTS

''SEC. 1910. DEFINITIONS.

''In this part:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means a public, private, or nonprofit entity (including a secondary school or a local educational agency) that—

''(A) offers a program to prepare students for college admissions tests; and

''(B) has a verified track record of not less than 3 years of increasing the average college admissions test score of students who participate in such program.

''(2) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—The term 'eligible local educational agency' means a local educational agency for which the number of children determined under section 1124(c) for that local educational agency constitute more than—

''(A) the percentage described in section 1125(c)(2)(B)(v) of the agency's total population aged 5 to 17; or

''(B) the number described in section 1125(c)(2)(C)(v) of the agency's total population aged 5 to 17.

''(3) ELIGIBLE SECONDARY SCHOOL.—The term 'eligible secondary school'—

''(A) means a secondary school that receives Federal assistance under part A and is served by an eligible local educational agency; and

''(B) includes a secondary school that does not receive Federal assistance under part A for a fiscal year if such secondary school is served by an eligible local educational agency that serves secondary schools, none of which received Federal assistance under part A for such fiscal year.

''SEC. 1911. ESTABLISHMENT.

''From amounts appropriated under section 1917 for a fiscal year, the Secretary shall award grants, on a competitive basis, to eligible local educational agencies to enable such agencies to fund college admissions test preparation programs for juniors and seniors at eligible secondary schools served by such agencies.

''SEC. 1912. APPLICATION.

''An eligible local educational agency that desires a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''SEC. 1913. DURATION.

''Grants awarded under this subpart shall be for a period of not less than 3 years.

''SEC. 1914. USE OF FUNDS.

''(a) IN GENERAL.—An eligible local educational agency that receives a grant under this part shall use the grant funds to provide, through an eligible entity, a college admissions test preparation program for juniors and seniors at eligible secondary schools served by such agency that uses methods that have proven effective in preparing students for college admissions tests.

''(b) METHODS.—

''(1) IN GENERAL.—A college admissions test preparation program funded under this part shall—

''(A) use methods that have proven effective in preparing students for college admissions tests;

''(B) to the extent practicable, be administered through instructor led, classroom-based courses; and

''(C) consist of a minimum of 25 hours of instructional (nontesting) time.

''(2) ONLINE COURSES.—

''(A) IN GENERAL.—An eligible local educational agency may enter into a contract with an eligible entity to provide a college admissions test preparation program that will be offered online if—

''(i) a classroom-based college admissions test preparation program provided by an eligible entity is not available; and

''(ii) the eligible entity providing such online program has a verified track record of not less than 3 years of increasing the average college admissions test score of students served through such online program.

''(B) SUPERVISION; ADMINISTRATION.—An online college admissions test preparation program shall be supervised or administered by a teacher, administrator, or coach who has received appropriate professional development to support student success in such online program.

''(c) COMPARABLE SERVICE.—An eligible entity that is not a school or local educational agency and that receives a contract under this section shall—

''(1) provide comparable services in programs offered under this part as in programs such entity offers to such entity's other customers; and

''(2) provide services in programs offered under this part for not more than 75 percent of such entity's national average rate per student for comparable programs.

''(d) PRACTICE EXAMINATIONS.—

''(1) PRIOR TO PREPARATION.—

''(A) IN GENERAL.—Programs provided under this section shall require each participating student to complete a practice examination of the college admissions test the student will be preparing for, prior to preparing such student for such college admissions test.

''(B) PREVIOUSLY ADMINISTERED; SAME TIMEFRAME AND SETTING.—The practice examination described under subparagraph (A) shall be—

''(i) an examination previously administered by the College Board, ACT Inc., or other college admissions tests' respective administrator; and

''(ii) administered in a timeframe and setting similar to that of the examination when administered by the College Board, ACT Inc., or other college admissions tests' respective administrator.

''(2) AFTER PREPARATION.—

''(A) IN GENERAL.—Programs provided under subsection (a) shall require each participating student to complete a practice examination of the college admissions test the student prepared for at the completion of the program.

''(B) PREVIOUSLY ADMINISTERED; SAME TIMEFRAME AND SETTING.—The practice examination described under subparagraph (A)—

''(i) shall be an examination previously administered by the College Board, ACT Inc., or other college admissions tests' respective administrator;

''(ii) shall not be the same practice examination given at the start of the program, given at any time during the program, or used as a study aid during the program; and

''(iii) shall be administered in a timeframe and setting similar to that of the examination when administered by the College Board, ACT Inc., or other college admissions tests' respective administrator.

''(e) SUPPLEMENTAL PREPARATION AND GUIDANCE.—An eligible entity that receives a contract under this section or an eligible local educational agency that develops and implements a school-based college admissions test preparation program under this section shall—

''(1) provide supplemental preparation for those students that need such supplemental preparation to prepare for college admissions tests in the form of prepreparation review of skills and knowledge, including in mathematics, grammar, and vocabulary;

''(2) ensure that students participating in programs funded under this part receive counseling on college admissions, including information on selecting an institution of higher education, the application process and related requirements, the availability of supports and services to facilitate transition to and success in postsecondary education, and the availability of financial aid; and

''(3) offer not less than 1 seminar or class on the counseling described under paragraph (2) that shall be held during evening or weekend hours and parents shall be invited to attend such seminar or class.

''(f) LOCAL EDUCATIONAL AGENCY SEPARATE PROGRAMS.—An eligible local educational agency that enters into a contract with an eligible entity pursuant to this section—

''(1) may conduct activities described under subsection (e) separate from such contract; and

''(2) may not use more than 5 percent of the grant funds to conduct activities described under subsection (e) separate from such contract.

''SEC. 1915. REPORTING REQUIREMENT.

''(a) LOCAL EDUCATIONAL AGENCY.—An eligible local educational agency that develops and implements a school-based college admissions test preparation program under section 1914(a)(1) shall submit to the Secretary a report that includes—

''(1) the number of students who started the program, disaggregated by race and gender where appropriate;

''(2) the number of students who completed the program, disaggregated by race and gender where appropriate;

''(3) the number of students participating in the program who subsequently take the officially administered college admissions test for which such students were preparing, disaggregated by race and gender where appropriate; and

''(4) average scores for participating students on the preprogram test pursuant to section 1914(d)(1), and the end of program test pursuant to section 1914(d)(2).

''(b) ELIGIBLE ENTITY.—An eligible entity that receives a contract under section 1914 shall submit to the eligible local educational agency that has contracted for such eligible entity's services a report that includes the information described in subsection (a) and any other information the eligible local educational agency shall reasonably require.

''(c) FAILURE TO SUBMIT SCORES.—An eligible local educational agency or eligible entity that fails to submit the average scores for participating students on the preprogram test pursuant to section 1914(d)(1), and the end of program test pursuant to section 1914(d)(2) shall have such agency or entity's grant terminated at the discretion of the Secretary.

''SEC. 1916. SCORE IMPROVEMENT.

''(a) REPORT.—Not less than once every 3 years, the Secretary shall review and report to Congress on all programs funded under this part to ensure that such programs are improving the scores of students participating in the program.

''(b) NON-ELIGIBILITY.—Programs funded under this part that are determined by the Secretary to have not significantly improved the average score of participating students shall no longer be eligible for grants under this part.

''SEC. 1917. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part $50,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years.''.

SEC. 302. ADMISSIONS AND RETENTION.

(a) PROSPECTIVE STUDENT INFORMATION.—Part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), as amended by section 105, is further amended by adding at the end the following:

''Subpart 11—Prospective Student Information

''SEC. 420M. REPORTING.

''(a) IN GENERAL.—An institution of higher education that offers a baccalaureate degree and is eligible to receive assistance under this part shall include in such institution's application for assistance under this part the following information:

''(1) The percentage of freshman students enrolled at the institution in the previous academic year who were self-identified members of the following disaggregated categories:

''(A) Individual major racial and ethnic groups.

''(B) Male.

''(C) Female.

''(D) The relative of an alumnus, disaggregated by race and eligibility for Federal Pell Grants.

''(E) Economically disadvantaged, as measured by eligibility for Federal Pell Grants.

''(2) The percentage of freshman students enrolled at the institution in the previous academic year who were admitted to the institution through binding early decision, disaggregated by race and eligibility for Federal Pell Grants.

''(3) The percentage of freshman students enrolled at the institution in the previous academic year who were admitted to the institution through regular decision, disaggregated by race and eligibility for Federal Pell Grants.

''(b) DISAGGREGATION.—An institution of higher education shall provide specific disaggregated subgroup information under subsection (a) only if the number of students in such subgroup is sufficient to yield statistically reliable information and reporting would not reveal personally identifiable information about an individual. If such number is not sufficient, the institution of higher education shall note that the institution enrolled too few of such students to report with confidence.''.

(b) ANTITRUST EXEMPTION.—

(1) DEFINITIONS.—In this subsection:

(A) ANTITRUST LAWS.—The term ''antitrust laws'' has the meaning given such term in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), except that such term includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent such section 5 applies to unfair methods of competition.

(B) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education''—

(i) means an institution of higher education as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); and

(ii) includes any individual acting on behalf of such an institution.

(2) EXEMPTION.—The antitrust laws shall not apply to any joint discussion, consideration, review, action, or agreement by or among institutions of higher education, or their representatives, for the purpose of, and limited to, developing and disseminating guidelines designed to end binding early decision admissions policies.

(c) RETENTION.—

(1) GRANT PROGRAM.—Part A of title III of the Higher Education Act of 1965 (20 U.S.C. 1057 et seq.) is amended by adding at the end the following:

''SEC. 318. GRANT PROGRAM TO INCREASE STUDENT RETENTION AND PROMOTE ARTICULATION AGREEMENTS.

''(a) AUTHORIZATION OF PROGRAM.—The Secretary shall award grants, on a competitive basis, to eligible institutions to enable the institutions to—

''(1) focus on increasing traditional and nontraditional student retention at such institutions; and

''(2) promote articulation agreements among different institutions that will increase the likelihood of progression of students at such institutions to baccalaureate degrees.

''(b) DEFINITION OF ELIGIBLE INSTITUTION.—In this section, the term 'eligible institution' means an institution of higher education (as defined in section 101(a)) where not less than 40 percent of such institution's student body receives financial aid under subpart 1 of part A of title IV.

''(c) APPLICATION.—An eligible institution that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(d) MANDATORY ACTIVITIES.—An eligible institution that receives a grant under this section shall use the grant funds to carry out each of the following:

''(1) Offering counseling services to help students cope with the challenges they are facing and identify the services that are available to help them persist in their education.

''(2) Making mentors available to all students that are at risk for not completing a degree.

''(3) Providing detailed assistance to all students who request help in understanding—

''(A) the options for financing their education, including information on grants, loans, and loan repayment programs;

''(B) the process of applying for financial assistance;

''(C) the outcome of their financial assistance application; and

''(D) any unanticipated problems related to financing their education that arise.

''(4) Offering tutoring to all students who request assistance with any course or subject.

''(5) Conducting outreach activities so that all students know that these services are available and are aware of how to access the services.

''(6) Making services listed in paragraphs (1) through (4) available in students' native languages, if it is not English, if the percentage of students needing translation services in a specific language exceeds 5 percent.

''(e) PERMISSIBLE ACTIVITIES.—An eligible institution that receives a grant under this section may use grant funds to carry out any of the following activities:

''(1) Providing intensive remedial academic instruction.

''(2) Designing innovative course schedules to meet the needs of working adults, such as classes that are concentrated on weekends or over short periods of time.

''(3) Designing and implementing online courses or components of courses to allow nontraditional students to obtain an education when their family or professional responsibilities, or both, make it difficult for them to attend class on campus at prespecified, regular times.

''(4) Offering childcare during the hours when students have class or are studying.

''(5) Providing transportation assistance to students that helps such students manage their schedules.

''(6) Partnering with local businesses to create flexible work-hour programs so that students can balance work and school.

''(7) Offering time management seminars or personal coaches to help students improve their time management skills.

''(8) Any other activities the Secretary believes will promote retention of students attending eligible institutions.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $100,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years.''.

(2) INSTITUTIONAL SUPPORT SERVICES.—Part B of title I of the Higher Education Act of 1965 (20 U.S.C. 1011 et seq.) is amended by adding at the end the following:

''SEC. 123. INSTITUTIONAL SUPPORT SERVICES TO INCREASE STUDENT RETENTION.

''(a) DETERMINATION OF RATES.—

''(1) IN GENERAL.—Beginning on the date that is 2 years after the date of enactment of this section, and annually thereafter, an institution of higher education shall determine for the preceding academic year the rates of baccalaureate degree completion not later

than 6 years after enrollment for students enrolled at such institution, disaggregated by race, gender, and eligibility for Federal Pell Grants, if the institution of higher education—

''(A) receives Federal funds;

''(B) is eligible for assistance under title IV;

''(C) is not eligible for assistance under section 318; and

''(D) awards a baccalaureate degree.

''(2) DISAGGREGATION.—An institution of higher education shall provide specific disaggregated subgroup information under paragraph (1) only if the number of students in such subgroup is sufficient to yield statistically reliable information and reporting would not reveal personally identifiable information about an individual. If such number is not sufficient, the institution of higher education shall note that the institution enrolled too few of such students to report with confidence.

''(b) SUPPORT SERVICES FOR AT RISK STUDENTS.—

''(1) IN GENERAL.—Beginning on the date that is 2 years after the date of enactment of this section, and annually thereafter, each institution of higher education that has a disparity of 20 or more percentage points in the rates determined under subsection (a) between any 2 or more subgroups in all the disaggregated categories for an academic year shall increase, from the level provided in such academic year and in accordance with paragraph (2), support services for the students in the subgroups in which the baccalaureate degree completion rate is 20 or more percentage points below the completion rate for the subgroup with the highest completion rate.

''(2) AMOUNT OF INCREASE AND ACTIVITIES.—

''(A) INCREASE.—The amount of the increase required under paragraph (1) for an academic year shall be equal to 5 percent of the amount of assistance received by the institution of higher education under part C of title IV and subpart 3 of part A of title IV for such academic year.

''(B) ACTIVITIES.—

''(i) MANDATORY ACTIVITIES.—The amount of the increase required under paragraph (1) shall be used to carry out the following activities:

''(I) Offering counseling services to help students cope with the challenges they are facing and identify the services that are available to help them persist in their education.

''(II) Making mentors available to all students that are at risk for not completing a degree.

''(III) Providing detailed assistance to all students who request help in understanding—

''(aa) the options for financing their education, including information on grants, loans, and loan repayment programs;

''(bb) the process of applying for financial assistance;

''(cc) the outcome of their financial assistance application; and

''(dd) any unanticipated problems related to financing their education that arise.

''(IV) Offering tutoring to all students who request assistance with any course or subject.

''(V) Conducting outreach activities so that all students know that these services are available and are aware of how to access the services.

''(VI) Making services listed in subclauses (I) through (IV) available in students' native languages, if it is not English, if the percentage of students needing translation services in a specific language exceeds 5 percent.

''(ii) PERMISSIBLE ACTIVITIES.—The amount of the increase required under paragraph (1) may be used to carry out any of the following activities:

''(I) Providing intensive remedial academic instruction.

''(II) Designing innovative course schedules to meet the needs of working adults, such as classes that are concentrated on weekends or over short periods of time.

''(III) Designing and implementing online courses or components of courses to allow nontraditional students to obtain an education when their family or professional responsibilities, or both, make it difficult for them to attend class on campus at prespecified, regular times.

''(IV) Offering childcare during the hours when students have class or are studying.

''(V) Providing transportation assistance to students that helps such students manage their schedules.

''(VI) Partnering with local businesses to create flexible work-hour programs so that students can balance work and school.

''(VII) Offering time management seminars or personal coaches to help students improve their time management skills.

''(VIII) Any other activities the Secretary believes will promote retention of students attending eligible institutions.''.

SEC. 303. FEDERAL TRIO PROGRAM.

Section 402A of the Higher Education Act of 1965 (20 U.S.C. 1070a–11) is amended—

(1) in subsection (b)(3)—

(A) in subparagraph (A), by striking ''$170,000'' and inserting ''$190,000'';

(B) in subparagraph (B), by striking ''$180,000'' and inserting ''$200,000''; and

(C) in subparagraph (C), by striking ''$190,000'' and inserting ''$220,000''; and

(2) in subsection (f), by striking the first sentence and inserting the following: ''For the purpose of making grants and contracts under this chapter, there are authorized to be appropriated $1,250,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years''.

SEC. 304. GEAR UP.

(a) EARLY INTERVENTION AND COLLEGE AWARENESS PROGRAM AUTHORIZED.—Section 404A(b) of the Higher Education Act of 1965 (20 U.S.C. 1070a–21(b)) is amended—

(1) in paragraph (1), by inserting ''6 year'' after ''shall make''; and

(2) by adding at the end the following:

''(3) CURRENT GRANTEES.—An eligible entity that has received an award under this section, has performed successfully, and still has need for an award may apply for an additional award under this section.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 404H of the Higher Education Act of 1965 (20 U.S.C. 1070a–28) is amended by striking ''$200,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years'' and inserting ''$500,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years''.

SEC. 305. LEVERAGING EDUCATIONAL ASSISTANCE PARTNERSHIP PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 415A(b) of the Higher Education Act of 1965 (20 U.S.C. 1070c(b)) is amended by striking paragraphs (1) and (2) and inserting the following:

''(1) IN GENERAL.—There are authorized to be appropriated $200,000,000 for fiscal year 2004, and such sums as may be necessary for each of the 5 succeeding fiscal years.

''(2) RESERVATION.—For any fiscal year for which the amount appropriated under paragraph (1)—

''(A) exceeds $30,000,000, the excess amount up to and including $67,000,000 shall be available to carry out section 415E; and

''(B) exceeds $67,000,000, the excess amount shall be available to carry out section 415F.''.

(b) INCREASE IN MAXIMUM STUDENT GRANTS.—Section 415C(b)(2) of the Higher Education Act of 1965 (20 U.S.C. 1070c–2(b)(2)) is amended by striking ''$5,000'' and inserting ''$12,500''.

(c) SPECIAL LEVERAGING EDUCATIONAL ASSISTANCE PARTNERSHIP PROGRAM.—Section 415E(a) of the Higher Education Act of 1965 (20 U.S.C. 1070c–3a(a) is amended by striking ''section 415A(b)(2)'' and inserting ''section 415A(b)(2)(A)''.

(d) GRANTS FOR ACCESS AND PERSISTENCE.—Subpart 4 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070c et seq.) is amended—

(1) by redesignating section 415F as section 415G; and

(2) by inserting after section 415E the following:

''SEC. 415F. GRANTS FOR ACCESS AND PERSISTENCE.

''(a) AUTHORIZATION.—From amounts reserved under section 415A(b)(2)(B) for each fiscal year, the Secretary shall make supplemental allotments among States in the same manner as the Secretary makes allotments among States under section 415B to pay the Federal share of the cost of the authorized activities under subsection (c).

''(b) APPLICATION.—

''(1) IN GENERAL.—

''(A) SUBMISSION.—A State that desires to receive a supplemental allotment under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(B) CONTENT.—An application submitted under subparagraph (A) shall include both of the following:

''(i) A description of the State's plan for using the supplemental allotment funds.

''(ii) Assurances that the State will provide matching funds, from State, institutional, philanthropic, or private funds, of not less than 33.33 percent of the cost of carrying out the activities under subsection (c). The State shall specify the methods by which matching funds will be paid and include provisions designed to ensure that funds provided under this section will be used to supplement, and not supplant, non-Federal funds available for carrying out the activities under subsection (c).

''(C) APPROVAL.—The Secretary shall approve and fund applications that meet the requirements of this section.

''(2) STATE AGENCY.—The State agency that submits an application for a State under section 415C(a) shall be the same State agency that submits an application under paragraph (1) for such State.

''(3) PARTNERSHIP.—

''(A) MANDATORY PARTNERS.—In applying for a supplemental allotment under this section, the State agency shall apply for a supplemental allotment in partnership with not less than 1 public and 1 private degree granting institution of higher education that are located in the State.

''(B) PERMISSIVE PARTNERS.—In addition to applying for a supplemental allotment under this section in partnership with degree granting institutions of higher education, a State agency may also apply in partnership with philanthropic organizations that are located in the State and private corporations that do business in the State.

''(c) AUTHORIZED ACTIVITIES.—

''(1) IN GENERAL.—

''(A) ESTABLISHMENT OF PROGRAM.—Each State receiving a supplemental allotment under this section shall use the funds to establish a program to award access and persistence grants to eligible low-income students in order to increase the amount of financial assistance such students receive

under this subpart for undergraduate education expenses.

''(B) AMOUNT.—

''(i) PARTNERSHIPS WITH LESS THAN A MAJORITY OF INSTITUTIONS IN THE STATE.—

''(I) IN GENERAL.—In the case where a State receiving a supplemental allotment under this section is in a partnership described in subparagraph (A) or (B) of subsection (d)(2), the amount of an access and persistence grant awarded by such State shall be not less than the amount that is equal to the average undergraduate tuition and mandatory fees at 4-year public institutions of higher education in the State where the student resides (less any other government sponsored grant amount or scholarship amount, or both, received by the student) and such amount shall be used toward the cost of attendance at an institution of higher education, located in the State, that is a partner in the program.

''(II) COST OF ATTENDANCE.—A State that has a program, apart from the program under this section, of providing eligible low-income students with grants that are equal to the average undergraduate tuition and mandatory fees at 4-year public institutions of higher education in the State, may increase the amount of access and persistence grants awarded by such State to an amount that is equal to the average cost of attendance at 4-year public institutions of higher education in the State.

''(ii) PARTNERSHIP WITH A MAJORITY OF INSTITUTIONS IN THE STATE.—In the case where a State receiving a supplemental allotment under this section is in a partnership described in subsection (d)(2)(C), the amount of an access and persistence grant awarded by such State shall be equal to the average cost of attendance at 4-year public institutions of higher education in the State where the student resides (less any other government sponsored grant amount or scholarship amount, or both, received by the student) and such amount shall be used by the student to attend an institution of higher education, located in the State, that is a partner in the program.

''(2) ELIGIBLE LOW-INCOME STUDENTS.—

''(A) IN GENERAL.—Each State receiving a supplemental allotment under this section shall—

''(i) annually make a determination of which students in grade 7 through grade 12 in the State are eligible to receive an access and persistence grant if such students graduate from secondary school and enroll at an institution of higher education that is a partner in the program; and

''(ii) notify such students of their eligibility to receive an access and persistence grant.

''(B) PRIORITY.—In determining which students are eligible to receive access and persistence grants, the State shall give priority to students—

''(i) with an expected family contribution equal to zero (as described in section 479(c));

''(ii) who are participating in, or have participated in, a Federal, State, institutional, or community early intervention program, as recognized by the State agency administering the program; and

''(iii) who qualify for a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

''(C) CONTENT OF NOTICE.—The notification under subparagraph (A)(ii) shall include—

''(i) information that a student's candidacy for an access and persistence grant is enhanced through participation in an early intervention program;

''(ii) information that the grant award shall be used toward the cost of attendance at an institution of higher education that is a partner in the program and therefore such award is contingent upon the student's enrollment at such an institution;

''(iii) an estimation of the amount of financial aid a student awarded an access and persistence grant could expect to receive, including an estimation of the amount of the access and persistence grant and an estimation of the amount of aid from the major Federal and State financial aid programs; and

''(iv) instructions on how to apply for an access and persistence grant.

''(3) GRANT AWARD.—If an eligible student, as determined under paragraph (2), has been accepted to an institution of higher education that is a partner in the program, the State shall—

''(A) notify the student of the amount of the access and persistence grant such student will receive if such student enrolls at such institution; and

''(B) inform the student that the access and persistence grant will be awarded and grant funds will be distributed when such student enrolls at such institution.

''(4) DURATION OF AWARD.—An eligible student that receives an access and persistence grant under this section shall receive such grant award for each year of such student's undergraduate education.

''(d) FEDERAL SHARE.—

''(1) IN GENERAL.—The Federal share of the cost of the authorized activities described in subsection (c) for any fiscal year shall be not more than 66.66 percent.

''(2) FORMULA FOR FEDERAL SHARE.—In awarding supplemental allotments under this section, the Secretary shall provide a match of the non-Federal funds provided by the State in accordance with the following:

''(A) If a State applies for a supplemental allotment under this section in partnership with only less than a majority of the degree granting institutions of higher education located in the State, then the Federal share shall be equal to 50 percent of the cost of carrying out the activities under subsection (c).

''(B) If a State applies for a supplemental allotment under this section in partnership with less than a majority of the degree granting institutions of higher education located in the State, philanthropic organizations located in the State, and private corporations doing business in the State, then the Federal share shall be equal to 57 percent of the cost of carrying out the activities under subsection (c).

''(C) If a State applies for a supplemental allotment under this section in partnership with a majority of the degree granting institutions of higher education located in the State, philanthropic organizations located in the State, and private corporations doing business in the State, then the Federal share shall be equal to 66.66 percent of the cost of carrying out the activities under subsection (c).

''(e) APPLICABILITY RULE.—The provisions of this subpart which are not inconsistent with this section shall apply to the program authorized by this section.

''(f) MAINTENANCE OF EFFORT REQUIREMENT.—Each State receiving a supplemental allotment under this section for a fiscal year shall provide the Secretary an assurance that the aggregate amount expended per student or the aggregate expenditures by the State, from funds derived from non-Federal sources, for the authorized activities described in subsection (c) for the preceding fiscal year were not less than the amount expended per student or the aggregate expenditure by the State for the activities for the second preceding fiscal year.''.

TITLE IV—OPPORTUNITIES AT HISPANIC-SERVING INSTITUTIONS

SEC. 401. POSTBACCALAUREATE OPPORTUNITIES FOR HISPANIC AMERICANS.

(a) ESTABLISHMENT OF PROGRAM.—Title V of the Higher Education Act of 1965 (20 U.S.C. 1101 et seq.) is amended—

(1) by redesignating part B as part C;

(2) by redesignating sections 511 through 518 as sections 521 through 528, respectively; and

(3) by inserting after section 505 the following:

''PART B—PROMOTING POSTBACCA- LAUREATE OPPORTUNITIES FOR HISPANIC AMERICANS

''SEC. 511. FINDINGS AND PURPOSES.

''(a) FINDINGS.—Congress finds the following:

''(1) According to the United States Census, by the year 2050, 1 in 4 Americans will be of Hispanic origin.

''(2) Despite the dramatic increase in the Hispanic population in the United States, the National Center for Education Statistics reported that in 1999, Hispanics accounted for only 4 percent of the master's degrees, 3 percent of the doctor's degrees, and 5 percent of first-professional degrees awarded in the United States.

''(3) Although Hispanics constitute 10 percent of the college enrollment in the United States, they comprise only 3 percent of instructional faculty in college and universities.

''(4) The future capacity for research and advanced study in the United States will require increasing the number of Hispanics pursuing postbaccalaureate studies.

''(5) Hispanic-serving institutions are leading the Nation in increasing the number of Hispanics attaining graduate and professional degrees.

''(6) Among Hispanics who received master's degrees in 1999–2000, 25 percent earned them at Hispanic-serving institutions.

''(7) Between 1991 and 2000, the number of Hispanic students earning master's degrees at Hispanic-serving institutions grew 136 percent, the number receiving doctor's degrees grew by 85 percent, and the number earning first-professional degrees grew by 47 percent.

''(8) It is in the National interest to expand the capacity of Hispanic-serving institutions to offer graduate and professional degree programs.

''(9) Research is a key element in graduate education and undergraduate preparation, particularly in science and technology, and Congress desires to strengthen the role of research at Hispanic serving-institutions. University research, whether performed directly or through a university's nonprofit research institute or foundation, is considered an integral part of the institution and mission of the university.

''(b) PURPOSES.—The purposes of this part are—

''(1) to expand postbaccalaureate educational opportunities for, and improve the academic attainment of, Hispanic students; and

''(2) to expand and enhance the postbaccalaureate academic offerings of high quality that are educating the majority of Hispanic college students and helping large numbers of Hispanic students and low-income individuals complete postsecondary degrees.

''SEC. 512. PROGRAM AUTHORITY AND ELIGIBILITY.

''(a) PROGRAM AUTHORIZED.—Subject to the availability of funds appropriated to carry out this part, the Secretary shall award competitive grants to eligible institutions.

''(b) ELIGIBILITY.—For the purposes of this part, an 'eligible institution' means an institution of higher education that—

''(1) is a Hispanic-serving institution (as defined under section 502); and

''(2) offers a postbaccalaureate certificate or degree granting program.

''SEC. 513. AUTHORIZED ACTIVITIES.

''Grants awarded under this part shall be used for 1 or more of the following activities:

''(1) Purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes.

''(2) Construction, maintenance, renovation, and improvement in classroom, library, laboratory, and other instructional facilities, including purchase or rental of telecommunications technology equipment or services.

''(3) Purchase of library books, periodicals, technical and other scientific journals, microfilm, microfiche, and other educational materials, including telecommunications program materials.

''(4) Support for needy postbaccalaureate students including outreach, academic support services, mentoring, scholarships, fellowships, and other financial assistance to permit the enrollment of such students in postbaccalaureate certificate and degree granting programs.

''(5) Support of faculty exchanges, faculty development, faculty research, curriculum development, and academic instruction.

''(6) Creating or improving facilities for Internet or other distance learning academic instruction capabilities, including purchase or rental of telecommunications technology equipment or services.

''(7) Collaboration with other institutions of higher education to expand postbaccalaureate certificate and degree offerings.

''(8) Other activities proposed in the application submitted pursuant to section 514 that—

''(A) contribute to carrying out the purposes of this part; and

''(B) are approved by the Secretary as part of the review and acceptance of such application.

''SEC. 514. APPLICATION AND DURATION.

''(a) APPLICATION.—Any eligible institution may apply for a grant under this part by submitting an application to the Secretary at such time and in such manner as determined by the Secretary. Such application shall demonstrate how the grant funds will be used to improve postbaccalaureate education opportunities for Hispanic and low-income students and will lead to such students' greater financial independence.

''(b) DURATION.—Grants under this part shall be awarded for a period not to exceed 5 years.

''(c) LIMITATION.—The Secretary shall not award more than 1 grant under this part in any fiscal year to any Hispanic-serving institution.''.

(b) COOPERATIVE ARRANGEMENTS.—Section 524 of the Higher Education Act of 1965 (as redesignated by subsection (a)(2)) is amended by inserting ''and section 513'' after ''section 503''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 528(a) of the Higher Education Act of 1965 (as redesignated by subsection (a)(2)) is amended to read as follows:

''(a) AUTHORIZATIONS.—

''(1) PART A.—There are authorized to be appropriated to carry out part A of this title $175,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years.

''(2) PART B.—There are authorized to be appropriated to carry out part B of this title $125,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years.''.

(d) CONFORMING AMENDMENTS.—Title V of the Higher Education Act of 1965 (20 U.S.C. 1101 et seq.) is amended—

(1) in section 502—

(A) in subsection (a)(2)(A)(ii), by striking ''section 512(b)'' and inserting ''section 522(b)''; and

(B) in subsection (b)(2), by striking ''section 512(a)'' and inserting ''section 522(a)'';

(2) in section 521(c)(6) (as redesignated by subsection (a)(2)), by striking ''section 516'' and inserting ''section 526''; and

(3) in section 526 (as redesignated by subsection (a)(2)), by striking ''section 518'' and inserting ''section 528''.

SEC. 402. DEFINITIONS.

Section 502(a) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)) is amended—

(1) in paragraph (5)—

(A) in subparagraph (A), by inserting ''and'' after the semicolon;

(B) in subparagraph (B), by striking ''; and'' and inserting a period; and

(C) by striking subparagraph (C); and

(2) by striking paragraph (7).

SEC. 403. AUTHORIZED ACTIVITIES.

Section 503(b)(7) of the Higher Education Act of 1965 (20 U.S.C. 1101b(b)(7)) is amended to read as follows:

''(7) Articulation agreements and student support programs designed to facilitate the transfer from 2-year to 4-year institutions.''.

SEC. 404. ELIMINATION OF WAIT-OUT PERIOD.

Section 504(a) of the Higher Education Act of 1965 (20 U.S.C. 1101c(a)) is amended to read as follows:

''(a) AWARD PERIOD.—The Secretary may award a grant to a Hispanic-serving institution under this title for 5 years.''.

SEC. 405. APPLICATION PRIORITY.

Section 521(d) of the Higher Education Act of 1965 (as redesignated by section 401(a)(2)) is amended by striking ''(from funds other than funds provided under this title)''.

TITLE V—HISTORICALLY BLACK COLLEGES AND UNIVERSITIES

SEC. 501. PROFESSIONAL OR GRADUATE INSTITUTIONS.

Section 326 of the Higher Education Act of 1965 (20 U.S.C. 1063b) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting ''business administration, computer or information science, nursing and allied health,'' after ''engineering,''; and

(B) in paragraph (2), by striking ''$1,000,000'' both places such term appears and inserting ''$1,500,000'';

(2) in subsection (d)(2), by striking ''$1,000,000'' and inserting ''$1,500,000'';

(3) in subsection (e)—

(A) in paragraph (1)—

(i) in subparagraph (Q), by striking ''and'' after the semicolon;

(ii) in subparagraph (R), by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

''(S) Alabama State University qualified graduate programs;

''(T) Albany State University qualified graduate programs;

''(U) Alcorn State University qualified graduate programs;

''(V) Bowie State University qualified graduate programs;

''(W) Coppin State University qualified graduate programs;

''(X) Delaware State University qualified graduate programs;

''(Y) Feyetteville State University qualified graduate programs;

''(Z) Fisk University qualified graduate programs;

''(AA) Grambling State University qualified graduate programs;

''(BB) Kentucky State University qualified graduate programs;

''(CC) Langston University qualified graduate programs;

''(DD) Lincoln University (MO) qualified graduate programs;

''(EE) Prairie View A&M University qualified graduate programs;

''(FF) South Carolina State University qualified graduate programs;

''(GG) Southern University & A&M College qualified graduate programs;

''(HH) University of the District of Columbia qualified graduate programs; and

''(II) Virginia State University qualified graduate programs.''; and

(B) in paragraph (2)—

(i) in subparagraph (A), by inserting ''business administration, computer or information science, nursing and allied health,'' after ''physical or natural sciences,''; and

(ii) in subparagraph (B), by striking ''not more than 10 percent'' and inserting ''not more than 30 percent'';

(4) by striking subsection (f) and inserting the following:

''(f) FUNDING RULE.—Subject to subsection (g), of the amount appropriated to carry out this section for any fiscal year—

''(1) the first $26,600,000 (or any lesser amount appropriated) shall be available only for the purposes of making grants to institutions or programs described in subparagraphs (A) through (P) of subsection (e)(1);

''(2) any amount in excess of $26,600,000, but not in excess of $28,600,000, shall be available for the purpose of making grants to institutions or programs described in subparagraphs (Q) and (R) of subsection (e)(1);

''(3) any amount in excess of $28,600,000, but not in excess of $45,600,000, shall be available for the purpose of making grants to institutions or programs described in subparagraphs (S) through (II) of subsection (e)(1);

''(4) any amount in excess of $45,600,000, but not in excess of $63,100,000, shall be available for the purpose of increasing the grant amounts to not more than $1,500,000 to each institution or program described in subparagraphs (A) through (II) of subsection (e)(1); and

''(5) any amount in excess of $63,100,000, shall be made available to each of the institutions or programs identified in subparagraphs (A) through (II) of subsection (e)(1) pursuant to a formula developed by the Secretary that uses the following elements:

''(A) The ability of the institution to match Federal funds with non-Federal funds.

''(B) The number of students enrolled in the programs for which the eligible institution received funding under this section in the previous year.

''(C) The average cost of education per student, for all full-time graduate or professional students (or the equivalent) enrolled in the eligible professional or graduate school, or for doctoral students enrolled in the qualified graduate programs.

''(D) The number of students in the previous year who received their first professional or doctoral degree from the programs for which the eligible institution received funding under this section in the previous year.

''(E) The contribution, on a percent basis, of the programs for which the institution is eligible to receive funds under this section to the total number of African-Americans receiving graduate or professional degrees in the professions or disciplines related to the programs for the previous year.''; and

(5) in subsection (g), by striking ''paragraphs (2) and (3) of subsection (f)'' and inserting ''subsection (f)''.

SEC. 502. GRADUATE AND PROFESSIONAL DEGREE DEVELOPMENT PROGRAM.

Part B of title III of the Higher Education Act of 1965 (20 U.S.C. 1060 et seq.) is amended—

(1) by redesignating section 327 as section 328; and

(2) by inserting after section 326 the following:

"SEC. 327. GRADUATE AND PROFESSIONAL DEGREE DEVELOPMENT PROGRAM.

''(a) GRANT AUTHORITY.—The Secretary is authorized to award grants to eligible historically Black colleges and universities to enable such colleges and universities to—

''(1) develop masters, doctoral, or professional degree programs; and

''(2) provide assistance, through fellowship awards, to graduate students at such colleges and universities.

''(b) ELIGIBLE GRANT RECIPIENT.—Eligibility to receive grants under this section is limited to historically Black colleges and universities that are making a substantial contribution to the education of African-Americans.

''(c) APPLICATION.—An eligible historically Black college or university that desires to receive a grant under this section shall submit an application to the Secretary that—

''(1) demonstrates how the grant funds will be used to improve—

''(A) graduate educational opportunities for African-American and low-income students; and

''(B) the financial independence of such students;

''(2) provides, in the case of applications for grants in excess of $500,000, the assurances required by subsection (g) and specifies the manner in which the college or university is going to pay the non-Federal share of the cost of the application; and

''(3) contains such information as the Secretary may require.

''(d) PRIORITY.—In awarding grants under this section, the Secretary shall give priority consideration to those eligible historically Black colleges and universities desiring to support programs and graduate students in areas of national need or academic disciplines in which African-Americans are underrepresented.

''(e) USE OF FUNDS.—An eligible historically Black college or university that receives a grant under this section may use the grant funds for—

''(1) purchase, rental, or lease of equipment for educational purposes, including instructional and research purposes;

''(2) construction, maintenance, renovation, and improvement in classroom, library, laboratory, and other instructional facilities, including purchase or rental of telecommunications technology equipment or services;

''(3) purchase of library books, periodicals, journals, microfilm, microfiche, and other educational materials, including telecommunications program materials;

''(4) scholarships, fellowships, and other financial assistance for needy graduate and professional students to permit the enrollment of the students in and completion of the graduate or professional degree; and

''(5) assistance in the establishment or maintenance of an institutional endowment to facilitate financial independence pursuant to section 331.

''(f) DURATION.—Grants shall be made for a period not to exceed 5 years.

''(g) FUNDING RULE.—No grant in excess of $500,000 may be made under this section unless the college or university provides assurances that 50 percent of the cost of the purposes for which the grant is made will be paid from non-Federal sources, except that no college or university shall be required to match any portion of the first $500,000 of the college or university's award from the Secretary.

''(h) TWO GRANTS PER INSTITUTION.—The Secretary may award not more than 2 grants or an aggregate amount of $1,000,000 under this section in any fiscal year to any institution of higher education or university system.

''(i) INSTITUTIONAL CHOICE.—The president or chancellor of the college or university may select the program for which to seek funding.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $30,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years.''.

SEC. 503. AUTHORIZATION OF APPROPRIATIONS.

(a) GRANTS TO INSTITUTIONS.—Section 323(a) of the Higher Education Act of 1965 (20 U.S.C. 1062(a)) is amended by striking ''section 360(a)(2)'' and inserting ''section 399(a)(2)(C)''.

(b) AUTHORIZATION.—Section 399(a) of the Higher Education Act of 1965 (20 U.S.C. 1068h(a)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking ''section 326'' and inserting ''sections 323 and 326'';

(B) in subparagraph (B), by striking ''$35,000,000 for fiscal year 1999, and such sums as may be necessary for each of the 4 succeeding fiscal years'' and inserting ''$75,000,000 for fiscal year 2004, and such sums as may be necessary for each of the 5 succeeding fiscal years''; and

(C) by adding at the end the following:

''(C) There are authorized to be appropriated to carry out section 323, $250,000,000 for fiscal year 2004, and such sums as may be necessary for each of the 5 succeeding fiscal years'';

(2) in paragraph (3), by striking ''$10,000,000 for fiscal year 1999, and such sums as may be necessary for each of the 4 succeeding fiscal years'' and inserting ''$25,000,000 for fiscal year 2004, and such sums as may be necessary for each of the 5 succeeding fiscal years''; and

(3) in paragraph (5), by striking ''$10,000,000 for fiscal year 1999, and such sums as may be necessary for each of the 4 succeeding fiscal years'' and inserting ''$20,000,000 for fiscal year 2004, and such sums as may be necessary for each of the 5 succeeding fiscal years''.

SEC. 504. PATSY T. MINK FELLOWSHIP PROGRAM.

Part A of title VII of the Higher Education Act of 1965 (20 U.S.C. 1134 et seq.) is amended—

(1) by redesignating subpart 4 as subpart 5;

(2) by redesignating section 731 as section 741;

(3) in section 741 (as redesignated by paragraph (2))—

(A) in subsection (a), by striking ''and 3'' and inserting ''3, and 4'';

(B) in subsection (b), by striking ''and 3'' and inserting ''3, and 4''; and

(C) in subsection (d), by striking ''or 3'' and inserting ''3, or 4''; and

(4) by inserting after subpart 3 the following:

"Subpart 4—Patsy T. Mink Fellowship Program

"SEC. 731. PURPOSE AND DESIGNATION.

''(a) PURPOSE.—It is the purpose of this subpart to provide, through eligible institutions, a program of fellowship awards to assist highly qualified minorities and women to acquire the doctoral degree, or highest possible degree available, in academic areas in which such individuals are underrepresented for the purpose of enabling such individuals to enter the higher education professoriate.

''(b) DESIGNATION.—Each recipient of a fellowship award from an eligible institution receiving a grant under this subpart shall be known as a 'Patsy T. Mink Graduate Fellow'.

"SEC. 732. DEFINITION OF ELIGIBLE INSTITUTION.

''In this subpart, the term 'eligible institution' means an institution of higher education, or a consortium of such institutions, that offers a program of postbaccalaureate study leading to a graduate degree.

"SEC. 733. PROGRAM AUTHORIZED.

''(a) GRANTS BY SECRETARY.—

''(1) IN GENERAL.—The Secretary shall award grants to eligible institutions to enable such institutions to make fellowship awards to individuals in accordance with the provisions of this subpart.

''(2) PRIORITY CONSIDERATION.—In awarding grants under this subpart, the Secretary shall consider the eligible institution's prior experience in producing doctoral degree, or highest possible degree available, holders who are minorities and women, and shall give priority consideration in making grants under this subpart to those eligible institutions with a demonstrated record of producing minorities and women who have earned such degrees.

''(b) APPLICATIONS.—

''(1) IN GENERAL.—An eligible institution that desires a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(2) APPLICATIONS MADE ON BEHALF.—

''(A) IN GENERAL.—The following entities may submit an application on behalf of an eligible institution:

''(i) A graduate school or department of such institution.

''(ii) A graduate school or department of such institution in collaboration with an undergraduate college or university of such institution.

''(iii) An organizational unit within such institution that offers a program of postbaccalaureate study leading to a graduate degree, including an interdisciplinary or an interdepartmental program.

''(iv) A nonprofit organization with a demonstrated record of helping minorities and women earn postbaccalaureate degrees.

''(B) NONPROFIT ORGANIZATIONS.—Nothing in this paragraph shall be construed to permit the Secretary to award a grant under this subpart to an entity other than an eligible institution.

''(c) SELECTION OF APPLICATIONS.—In awarding grants under subsection (a), the Secretary shall—

''(1) take into account the number and distribution of minority and female faculty nationally, as well as the current and projected need for highly trained individuals in all areas of the higher education professoriate;

''(2) take into account the number and distribution of minority and female faculty nationally, as well as the present and projected need for highly trained individuals in academic career fields in which minorities and women are underrepresented in the higher education professoriate; and

''(3) consider the need to prepare a large number of minorities and women generally in academic career fields of high national priority, especially in areas in which such individuals are traditionally underrepresented in college and university faculties.

''(d) DISTRIBUTION AND AMOUNTS OF GRANTS.—

''(1) EQUITABLE DISTRIBUTION.—In awarding grants under subsection (a), the Secretary shall, to the maximum extent feasible, ensure an equitable geographic distribution of awards and an equitable distribution among

public and independent eligible institutions that apply for grants under this subpart and that demonstrate an ability to achieve the purpose of this subpart.

''(2) SPECIAL RULE.—To the maximum extent practicable, the Secretary shall use not less than 50 percent of the amount appropriated pursuant to section 736 to award grants to the following eligible institutions:

''(A) Eligible institutions that are eligible for assistance under title III or title V.

''(B) Eligible institutions that are eligible institutions, as defined in section 312.

''(C) Eligible institutions that are Tribal Colleges or Universities, as defined in section 316.

''(D) Eligible institutions that are Alaska Native-serving institutions, as defined in section 317.

''(E) Eligible institutions that are Native-Hawaiian-serving institutions, as defined in section 317.

''(F) Eligible institutions that are part B institutions, as defined in section 322.

''(G) Eligible institutions that are eligible institutions, as defined in section 502.

''(H) Consortia of eligible institutions that are nonminority-serving institutions and eligible institutions that are minority-serving institutions.

''(3) ALLOCATION.—In awarding grants under this subpart, the Secretary shall allocate appropriate funds to those eligible institutions whose applications indicate an ability to significantly increase the numbers of minorities and women entering the higher education professoriate and that commit institutional resources to the attainment of the purpose of this subpart. An eligible institution that receives a grant under this subpart shall make not less than 15 fellowship awards.

''(4) REALLOTMENT.—If the Secretary determines that an eligible institution awarded a grant under this subpart is unable to use all of the grant funds awarded to the institution, the Secretary shall reallot, on such date during each fiscal year as the Secretary may fix, the funds that are not usable to other eligible institutions that demonstrate that such institutions can use any reallocated grant funds to make fellowship awards to individuals under this subpart.

''(e) INSTITUTIONAL ALLOWANCE.—

''(1) IN GENERAL.—

''(A) NUMBER OF ALLOWANCES.—In awarding grants under this subpart, the Secretary shall pay to each eligible institution awarded a grant, for each individual awarded a fellowship by such institution under this subpart, an institutional allowance.

''(B) AMOUNT.—Except as provided in paragraph (3), an institutional allowance shall be in an amount equal to, for academic year 2005–2006 and succeeding academic years, the amount of institutional allowance made to an institution of higher education under section 715.

''(2) USE OF FUNDS.—Institutional allowances may be expended in the discretion of the eligible institution and may be used to provide, except as prohibited under paragraph (4), academic support and career transition services for individuals awarded fellowships by such institution.

''(3) REDUCTION.—The institutional allowance paid under paragraph (1) shall be reduced by the amount the institution charges and collects from a fellowship recipient for tuition and other expenses as part of the recipient's instructional program.

''(4) USE FOR OVERHEAD PROHIBITED.—Funds made available pursuant to this subpart may not be used for general operational overhead of the academic department or institution receiving funds under this subpart.

''SEC. 734. FELLOWSHIP RECIPIENTS.

''(a) AUTHORIZATION.—An eligible institution that receives a grant under this subpart shall use the grant funds to make fellowship awards to minorities and women who are enrolled at such institution in a doctoral degree, or highest possible degree available, program and—

''(1) intend to pursue a career in instruction at—

''(A) an institution of higher education (as defined in section 101);

''(B) an institution of higher education (as defined in section 102(a)(1));

''(C) an institution of higher education outside the United States, as that term is described in section 102(a)(2); or

''(D) a proprietary institution of higher education (as defined in section 102(b)); and

''(2) sign an agreement with the Secretary agreeing to, within 5 years of receiving the doctoral degree, or highest possible degree available, begin employment at an institution described in paragraph (1) for 1 year for each year of fellowship assistance received under this subpart.

''(b) FAILURE TO COMPLY.—If an individual who receives a fellowship award under this subpart fails to comply with the agreement signed pursuant to subsection (a)(2), then the Secretary shall do 1 or both of the following:

''(1) Require the individual to repay all or the applicable portion of the total fellowship amount awarded to the individual by converting the balance due to a loan at the interest rate applicable to loans made under part B of title IV.

''(2) Impose a fine or penalty in an amount to be determined by the Secretary.

''(c) WAIVER AND MODIFICATION.—

''(1) REGULATIONS.—The Secretary shall promulgate regulations setting forth criteria to be considered in granting a waiver for the service requirement under subsection (a).

''(2) CONTENT.—The criteria under paragraph (1) shall include whether compliance with the service requirement by the fellowship recipient would be—

''(A) inequitable and represent a substantial hardship; or

''(B) deemed impossible because the individual is permanently and totally disabled at the time of the waiver request.

''(d) AMOUNT OF FELLOWSHIP AWARDS.—Fellowship awards under this subpart shall consist of a stipend in an amount equal to the level of support provided to the National Science Foundation graduate fellows, except that such stipend shall be adjusted as necessary so as not to exceed the fellow's tuition and fees or demonstrated need (as determined by the institution of higher education where the graduate student is enrolled), whichever is greater.

''(e) ACADEMIC PROGRESS REQUIRED.—An individual shall not be eligible to receive a fellowship award—

''(1) except during periods in which such student is enrolled, such student is maintaining satisfactory academic progress in, devoting essentially full time to, study or research in the pursuit of the degree for which the fellowship support was awarded; and

''(2) if the student is engaged in gainful employment other than part-time employment involved in teaching, research, or similar activity determined by the institution to be consistent with and supportive of the student's progress toward the appropriate degree.

''SEC. 735. RULE OF CONSTRUCTION.

''Nothing in this subpart shall be construed to require an eligible institution that receives a grant under this subpart to—

''(1) grant a preference or to differentially treat any applicant for a faculty position as a result of the institution's participation in the program under this subpart; and

''(2) hire a Patsy T. Mink Fellow who completes this program and seeks employment at such institution.

''SEC. 736. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to carry out this subpart $25,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years.''.

TITLE VI—RECRUITMENT OF TEACHERS TO TEACH AT TRIBAL COLLEGES OR UNIVERSITIES

SEC. 601. LOAN REPAYMENT OR CANCELLATION FOR INDIVIDUALS WHO TEACH IN TRIBAL COLLEGES OR UNIVERSITIES.

(a) SHORT TITLE.—This title may be cited as the ''Tribal Colleges and Universities Teacher Loan Forgiveness Act''.

(b) PERKINS LOANS.—

(1) AMENDMENT.—Section 465(a) of the Higher Education Act of 1965 (20 U.S.C. 1087ee(a)) is amended—

(A) in paragraph (2)—

(i) in subparagraph (H), by striking ''or'' after the semicolon;

(ii) in subparagraph (I), by striking the period and inserting ''; or''; and

(iii) by adding at the end the following:

''(J) as a full-time teacher at a Tribal College or University as defined in section 316(b).''; and

(B) in paragraph (3)(A)(i), by striking ''or (I)'' and inserting ''(I), or (J)''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall be effective for service performed during academic year 1998–1999 and succeeding academic years, notwithstanding any contrary provision of the promissory note under which a loan under part E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087aa et seq.) was made.

(c) FFEL AND DIRECT LOANS.—Part G of title IV of the Higher Education Act of 1965 (20 U.S.C. 1088 et seq.) is amended by adding at the end the following:

''SEC. 493C. LOAN REPAYMENT OR CANCELLATION FOR INDIVIDUALS WHO TEACH IN TRIBAL COLLEGES OR UNIVERSITIES.

''(a) PROGRAM AUTHORIZED.—The Secretary shall carry out a program, through the holder of a loan, of assuming or canceling the obligation to repay a qualified loan amount, in accordance with subsection (b), for any new borrower on or after the date of enactment of this section, who—

''(1) has been employed as a full-time teacher at a Tribal College or University as defined in section 316(b); and

''(2) is not in default on a loan for which the borrower seeks repayment or cancellation.

''(b) QUALIFIED LOAN AMOUNTS.—

''(1) PERCENTAGES.—Subject to paragraph (2), the Secretary shall assume or cancel the obligation to repay under this section—

''(A) 15 percent of the amount of all loans made, insured, or guaranteed after the date of enactment of this section to a student under part B or D, for the first or second year of employment described in subsection (a)(1);

''(B) 20 percent of such total amount, for the third or fourth year of such employment; and

''(C) 30 percent of such total amount, for the fifth year of such employment.

''(2) MAXIMUM.—The Secretary shall not repay or cancel under this section more than $15,000 in the aggregate of loans made, insured, or guaranteed under parts B and D for any student.

''(3) TREATMENT OF CONSOLIDATION LOANS.—A loan amount for a loan made under section 428C may be a qualified loan amount for the purposes of this subsection only to the extent that such loan amount was used to

repay a loan made, insured, or guaranteed under part B or D for a borrower who meets the requirements of subsection (a), as determined in accordance with regulations prescribed by the Secretary.

''(c) REGULATIONS.—The Secretary is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

''(d) CONSTRUCTION.—Nothing in this section shall be construed to authorize any refunding of any repayment of a loan.

''(e) PREVENTION OF DOUBLE BENEFITS.—No borrower may, for the same service, receive a benefit under both this section and subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12571 et seq.).

''(f) DEFINITION.—For purposes of this section, the term 'year', when applied to employment as a teacher, means an academic year as defined by the Secretary.''.

SEC. 602. AMOUNTS FORGIVEN NOT TREATED AS GROSS INCOME.

The amount of any loan that is assumed or canceled under an amendment made by this title shall not, consistent with section 108(f) of the Internal Revenue Code of 1986, be treated as gross income for Federal income tax purposes.

Mr. DODD. Mr. President, I rise today with Senators KENNEDY, BINGAMAN, REED, CLINTON and MURRAY to introduce the Democratic proposal to reauthorize the Higher Education Act, the College Quality, Affordability and Diversity Improvement Act of 2003 (QUAD).

The Higher Education Act authorizes the Federal Government's major activities as they relate to financial assistance for students attending colleges and universities. It provides aid to institutions of higher education, services to help students complete high school and enter and succeed in postsecondary education, and mechanisms to improve the training of teachers.

According to a recent CRS report, tuition went up last year at four-year public universities from 1.9 percent in New York to 23.8 percent in Massachusetts. In Connecticut, tuition went up 8.1 percent. According to the College Board, the average cost of attending a public four-year college including tuition, fees, room and board is over $9,000. For private four-year colleges, the average cost is over $24,000. Another study indicates that 29 percent of an average family's income goes toward public university tuition payments and 41 percent of an average family's income goes toward private university tuition. In comparison, the average family's mortgage payment represents 32 percent of the annual income.

The simple fact is that many parents are deeply worried about how they are going to pay for their children's higher education. Constant hikes in tuition are not only a source of concern for parents, in some cases they are a source of panic. The legislation we are introducing today is an attempt to alleviate this worry and help working parents and working students afford the high cost of college. We do this in a number of ways.

The QUAD Act will increase the amount of Pell grants available to working families. Two decades ago, Pell grants covered 84 percent of average costs at four-year universities; today they cover less than 30 percent. This bill will reverse this downward trend by raising the maximum Pell Grant for students by $450, from $4,050 to $4,500.

The bill works through the tax code and student loans to make sure students are getting the financial support that they need on the most favorable terms. We eliminate origination fees on subsidized student loans, double the size of the Hope Credit, and allow college graduates a chance to refinance their consolidated loans so that they can take advantage of today's historically low interest rates.

QUAD works to level the playing field in admissions by requiring universities and colleges to be more up-front about their admissions policies and by creating a grant program so that low-income students and minority students have available to them college test preparation programs that on average increase a student's SAT score by 100 points.

The bill creates two new retention programs to ensure that students that start college complete their degrees. Low-income students are half as likely as upper income students to complete a bachelor's degree in four years. African-American students are half as likely as white students to graduate, and four in ten Hispanics who enroll in four-year institutions drop out within three years.

QUAD will improve opportunities for undergraduates and graduate students at Minority Serving Institutions by creating new grant programs, removing regulatory burdens and increasing the funding levels of current initiatives. The bill also helps colleges and school districts recruit and train more highly qualified teachers and provides better training for principals and superintendents.

In addition to all of this, QUAD directly addresses the problem of rising college costs. This bill puts into place a requirement that states maintain their portion of higher education funding at 90 percent from fiscal year to fiscal year. If the Federal Government is going to make a commitment to providing more resources to higher education by increasing monies for student aid, it is only fair that we require states to maintain their current share of assistance. States should not be using our proposed increases in federal aid as an excuse to decrease their own spending levels. The states and the Federal Government should be working together on higher education, and not using one or the other as an excuse to reduce their share of the costs.

This bill also creates incentives for colleges to cut costs. QUAD creates a demonstration program to provide seed money to colleges and universities that want to explore innovative ways to reduce costs and pass savings on to students. This can be accomplished across universities by pooling resources, making joint purchase of supplies or employee benefits, and creating joint degree programs.

Recently, a 20-member consortium of Wisconsin universities spent $285,000 on staff and resources to find a way to purchase health care jointly. In the first year, they realized a savings of $3.8 million. That is a pretty impressive return on an investment of $285,000. Building on this type of initiative, our bill provides grants of $200,000 to consortia in other states around the country to incentivize these same kinds of cost-cutting measures, measures that have no effect on academic mission or quality of student life.

In the end, it is essential in this reauthorization that we do everything we can to ensure that qualified students are not being locked out of college. The economic costs for families would be immense. A full-time worker with a bachelor's degree earns about 60 percent more than a full-time worker with only a high school diploma. Over a lifetime, the gap in earnings exceeds $1 million.

I hope our colleagues who are not cosponsoring this bill will give it serious consideration. By working together, I believe that the Senate as a body can act to ensure that every young person in our Nation has an opportunity to rise as high as their talents, dreams and determination will take them.

Mr. BINGAMAN. Mr. President, I rise today in support of the College Quality, Affordability and Diversity Improvement Act of 2003, or QUAD, introduced by Senator KENNEDY and cosponsored by Senators DODD, MURRAY, REED, CLINTON, and myself.

Since 1998, when Congress last reauthorized the Higher Education Act, enrollment in institutions of higher education has risen to an all-time high, growing by nearly one million students. Half of these new enrollments are minority students, nearly 200,000 of which are of Hispanic origin. Projections show that enrollment in higher education will only continue to grow in the coming years. The increased demand for a college degree is due much in part to the changing economy. Those with a bachelor's degree now make 75 percent more than those without, and jobs requiring some post-secondary education are expected to account for over 40 percent of total job growth this decade.

While the demand for a college degree has increased, so too has the cost of college, and rather drastically. These increases severely limit access for many qualified students. For the 2002–2003 school year, four-year public universities reported an average tuition increase of over 14 percent. This comes on top of an almost ten percent increase in average tuition last year. Just three years ago the average increase was just four percent. For families in the lowest income quartile, average public university costs now consume 62 percent of their income. In the

early 1970's it was only 42 percent. What's more, the purchasing power of the Pell grant has declined. Today, Pell Grants cover only 40 percent of average fixed costs at four-year public colleges. Twenty years ago, they covered 80 percent of costs.

Every American should have the opportunity to realize his or her full potential, regardless of the depth of their pocketbook or the size of their parents' wallet. It is time for Congress to step up and meet the challenge: we must do more to help qualified students attend and finish college.

Currently, 40 percent of all whites ages 18–24 are pursuing post-secondary education, compared with only 30 percent of African-Americans and 16 percent of Hispanics of the same age. Those disadvantaged students who do start college often do not finish: low-income students are half as likely as upper income students to complete a bachelor's degree in four years; four in ten Hispanic students enrolled in four-year institutions drop out within three years of initial enrollment.

The College Quality, Affordability, and Diversity Improvement Act will help low-income and minority students get into college. QUAD increases funding to critical programs including GEAR Up, TRIO and LEAP. It improves access for low-income students through the creation of a new grant program for proven-effective test prep programs to provide free tutoring for college entrance exams to low-income students. It improves access and awareness for low-income students by creating a partnership among the federal government, the states, colleges, philanthropies, and corporations to provide low-income students with early information and an early assurance of financial access to college.

But Mr. President, we cannot simply help a student get into and pay for college, we must help them stay in college and earn their degree. Of the 16 percent of 18–24 year old Hispanics enrolling in college, a mere 40 percent actually complete their degree. Similarly, only 38 percent of African-American students that enroll in college complete their degree. QUAD will help low-income and minority students complete their education through the creation of two new retention programs. The first program provides grants to colleges and universities, which serve high-proportions of low-income students to implement innovative programs to provide students with the support they need to persist and graduate. The second program requires schools with large discrepancies in disaggregated graduation rates to increase their investment in support services to improve retention. QUAD also increases funding for minority serving institutions, and creates new grant programs to encourage minority students to pursue graduate education at minority serving institutions.

Minorities make up an increasing proportion of the United States population, but they continue to severely lag behind white students in completing both undergraduate and particularly graduate degrees. Minority Serving Institutions are serving an increasing proportion of minorities, and can help decrease this disparity. Among Hispanics who received master's degrees in 1999–2000, 25 percent attained them at Hispanic Serving Institutions and in the past ten years, the number of Hispanic students receiving master's degrees at HSIs grew by 136 percent, the number receiving doctoral degrees grew by 85 percent, and the number earning first time professional degrees grew by 47 percent.

This past May, I proposed the Next Generation Hispanic-Serving Institutions Act, S. 1190. Under this act, the burdensome regulatory barriers for the 18 Hispanic Serving Institutions in New Mexico and more than 190 HSIs nationally would be removed and opportunities for students at HSIs would be greatly expanded. QUAD takes up this effort, increasing funding for current grants to HSIs and creating a new grant program for graduate programs at HSIs. The grant program would authorize a total of $300 million in fiscal year 2005 and such sums as may be necessary in future years. Grants under this program would help schools improve instructional facilities, purchase instruction and telecommunications materials, give support to needy post baccalaureate students, improve distance learning and other telecommunications capabilities, collaborate with other institutions of higher education to expand programs, and support faculty and curriculum development.

QUAD will also help to attract and retain high quality teachers at tribal universities. This past February, Senator DASCHLE and I introduced legislation that would create a loan forgiveness program for individuals who choose to teach at tribal colleges and universities. QUAD includes this legislation, S. 378.

Another component of QUAD that I am proud to have worked on is the teacher quality provisions of Title II. Since my involvement in the accountability sections of Title II during the last reauthorization of the Higher Education Act, we have worked to increase the bar for teacher quality. QUAD will greatly improve the training and recruitment of teachers by expanding and strengthening teacher-training programs to help teacher preparation institutions feed more qualified teachers into the classrooms. These improvements will help States and school districts meet the goal outlined in the No Child Left Behind Act of ensuring a highly qualified teacher in every classroom.

QUAD will help colleges and school districts recruit and train more teachers with higher quality programs, and provide better training for in-service principals and superintendents. QUAD strengths provisions of HEA to focus on improving the quality of programs and services to teachers by ensuring that teacher preparation courses provide teachers with the specific skills and supports they need to succeed in the classroom, such as training necessary to help all students achieve high standards, including children with disabilities and limited English proficient students, and the integration of state standards and accountability in the classroom. QUAD supports innovation by establishing new financial incentive programs to professionalize the field of teaching, and attract and retain more individuals in the classroom. QUAD will also help to attract teachers to where they are needed most by increasing the amount of student loan forgiveness for teachers working in high-need, high-demand areas. And QUAD helps to better prepare teachers to use technology in the classroom by increasing funding for the Preparing Tomorrow's Teachers to Use Technology program.

It is time for Congress to step up and meet the challenge: We must do more to help qualified students attend and finish college. I know that my colleagues will take this proposal under serious consideration and I look forward to working with them on the reauthorization of the Higher Education Act this coming year.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 76—RECOGNIZING THAT NOVEMBER 2, 2003, SHALL BE DEDICATED TO ''A TRIBUTE TO SURVIVORS'' AT THE UNITED STATES HOLOCAUST MEMORIAL MUSEUM

Mr. HATCH (for himself, Mr. VOINOVICH, Mr. COLEMAN, Ms. COLLINS, Mr. REID, Mrs. BOXER, and Mr. SMITH) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 76

Whereas, in 1945, American soldiers and other Allied forces, defeated Nazi Germany, ending World War II in Europe and the systematic murder of Europe's Jews and other targeted groups;

Whereas 6,000,000 Jews were killed during the Holocaust, and after World War II hundreds of thousands of survivors immigrated to the United States, where in spite of their enormous suffering, they rebuilt their lives, and embraced and enriched their adopted homeland;

Whereas, in 1978, President Jimmy Carter created the President's Commission on the Holocaust to make a recommendation regarding ''the establishment . . . of an appropriate memorial to those who perished in the Holocaust'';

Whereas President Carter said: ''Out of our memory . . . of the Holocaust we must forge an unshakable oath with all civilized people that never again will the world stand silent, never again will the world . . . fail to act in time to prevent this terrible crime of genocide. . . . [W]e must harness the outrage of our own memories to stamp out oppression wherever it exists. We must understand that human rights and human dignity are indivisible.'';

Whereas, in 1979, the Commission recommended ''a living memorial that will speak not only of the victims' deaths but of their lives, a memorial that can transform the living by transmitting the legacy of the Holocaust'';

Whereas, in 1980, the United States Congress unanimously passed legislation authorizing the creation of the United States Holocaust Memorial Museum as a ''permanent living memorial'' on Federal land in the Nation's Capital;

Whereas, in 1983, Vice President George Bush designated the Federal land on which the United States Holocaust Memorial Museum would be built;

Whereas Vice President Bush said: ''Here we will learn that each of us bears responsibility for our actions and our failure to act. Here we will learn that we must intervene when we see evil arise. Here we will learn more about the moral compass by which we navigate our lives and by which countries navigate the future.'';

Whereas, in 1985, Holocaust survivors participated in the groundbreaking ceremony at the site of the future United States Holocaust Memorial Museum;

Whereas, in 1988, President Ronald Reagan dedicated the cornerstone of the United States Holocaust Memorial Museum;

Whereas President Reagan said: ''We who did not go their way owe them this: We must make sure that their deaths have posthumous meaning. We must make sure that from now until the end of days all humankind stares this evil in the face . . . and only then can we be sure it will never arise again.'';

Whereas, in 1992, replicas of 2 of the milk cans that hid the Oneg Shabbat archive under the Warsaw Ghetto were buried beneath the Museum's Hall of Remembrance, with a Scroll of Remembrance signed by Holocaust survivors;

Whereas, in 1993, President Bill Clinton opened the United States Holocaust Memorial Museum;

Whereas President Clinton said: ''[T]his museum will touch the life of everyone who enters and leave everyone forever changed; a place of deep sadness and a sanctuary of bright hope; an ally of education against ignorance, of humility against arrogance, an investment in a secure future against whatever insanity lurks ahead. If this museum can mobilize morality, then those who have perished will thereby gain a measure of immortality.'';

Whereas, in 2001, President George W. Bush delivered the keynote address at the first Days of Remembrance ceremony after he assumed office.

Whereas President Bush said: ''When we remember the Holocaust and to whom it happened, we must also remember where it happened . . . The orders came from men who . . . had all the outward traits of cultured men, except for conscience. Their crimes showed the world that evil can slip in, and blend in, even amid the most civilized surroundings. In the end, only conscience can stop it. And moral discernment, decency, tolerance—these can never be assumed in any time, or any society. They must always be taught.'';

Whereas the United States Holocaust Memorial Museum has had more than 19,000,000 visitors in the first 10 years of its existence;

Whereas, in 2003, the United States Holocaust Memorial Museum, on the occasion of its 10th Anniversary, wishes to pay tribute to America's Holocaust survivors, who worked tirelessly to help build the Museum and whose committed support and involvement continue to make the institution such as extraordinary memorial and a vital part of life in the United States; and

Whereas the United States Holocaust Museum has a sacred obligation to preserve and transmit the history and lessons of the Holocaust and, together with the Holocaust survivors, must ensure that the legacy of the survivors is passed on to each new generation: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes that November 2, 2003, shall be dedicated to ''A Tribute to Survivors'' at the United States Holocaust Memorial Museum and shall be devoted to honoring our Nation's Holocaust survivors, as well as their liberators and rescuers, and their families;

(2) recognizes that on that day, the United States Holocaust Memorial Museum shall be devoted in its entirety to special programs about and for the survivors of the Holocaust;

(3) commends the United States Holocaust Memorial Museum for its first decade of education dedicated to the memory of the victims of the Holocaust;

(4) endeavors to continue to support the vital work of the United States Holocaust Memorial Museum; and

(5) requests that this resolution shall be duly recorded in the official records of the United States Holocaust Memorial Museum.

Mr. HATCH. Mr. President, this year marks the 10th anniversary of the opening of one of this country's greatest museums and educational institutions, the United States Holocaust Memorial Museum. I have been privileged to serve on the Council of this great institution since its founding, and I have had no greater honor in the years I have served in Washington.

The Museum opened in April of 1993. Speaking in this chamber at that time, I said that the reason we needed to support this institution was simple: ''To remember, and by remembering, to strengthen America's moral compass.''

The Museum has served as an institution of remembrance and study since then, and its contribution has been immense. Over 19 million visitors have gone through its doors in the past decade, making this museum one of the most popular in Washington, and in the United States. Of these 19 million, nearly six million of those visitors were children, who have seen and been moved by the exhibit ''Daniel's Story,'' which renders the story of the Holocaust from the perspective of a child.

Over two million international visitors have come to the Museum in the past 10 years. This includes seventy-three heads of state have been included among those foreign visitors. I am heartened to imagine how they have returned to their many nations with the striking impression of how profoundly this country considers the most cataclysmic human event of the 20th century, the Holocaust, and how we demonstrate this by supporting this institution in the heart of Washington, D.C.

Not only have nearly 20 million people come to the Museum, but the Museum, through its many traveling exhibits, has brought the story of the Holocaust to many cities around this country. In 2002, the Museum brought another exhibit, ''The Nazi Olympics: Berlin 1936'' to my home State of Utah, to show during our historic Winter Olympics. Over 20,000 Utahns and foreign visitors attended that exhibit, which demonstrated the historic arc from an era of national fascism and barbaric racism to the present day vision of tolerance and good will that my state showed the world in the winter of 2002.

The Museum also serves as a educational center for Holocaust scholarship. The Museum's Center for Advanced Holocaust Studies supports scholarship and publications at the Museum as well as in conjunction with universities throughout this country. In the short period of its existence, the Museum has already greatly advanced Holocaust studies and I say with confidence that future scholars of this seminal event of the 20th century will all be influenced by the work of this great Museum.

As I've mentioned already, this is not the first time I have taken to the floor to laud the work of this great institution. In November of 1995, concerned about a rise in episodes, both here and abroad, of Holocaust deniers perpetuating their grotesque perversions of history, I introduced S. Res. 193, a resolution denouncing Holocaust denial. Recognizing the scholarship already being promoted by the Museum, the resolution ''commended the vital, ongoing work of the United States Holocaust Memorial Museum, which memorializes the victims of the Holocaust and teaches all who are willing to learn profoundly compelling and universally resonant moral lessons.''

I introduced that resolution on November 9, 1995, which was the 57th anniversary of Kristallnacht, the night of broken glass, the notorious 1938 pogrom of Jewish persecution by the Nazi regime, preparing the dark descent to the Holocaust that was to follow. In my statement, I said: ''Fifty-seven years after Kristallnacht, we are fortunate to still have survivors of the Holocaust among us. I worry about the memory of the Holocaust when the survivors will no longer be here. With each passing year, we have fewer survivors among us.''

The stewards and scholars of the United States Holocaust Memorial Museum embody the recognition that the mission of the Museum is to preserve the memory of the victims. And for this reason, the Museum is marking its 10th anniversary in the only way it could: By hosting a historic ''Tribute to Survivors,'' which will occur at the end of this week, on November 1st and 2nd. It is fitting and proper that this would be the way to mark this anniversary. To date, 6,500 Holocaust survivors and their families are scheduled to attend, making this perhaps the last reunion of this kind. I urge all of my colleagues to review the schedule of events and, if at all possible, to go to the Museum to pay tribute to the survivors and this great institution.

To commemorate this event, and to honor the Museum on its 10th anniversary, I wish to submit this resolution

honoring the victims of the Holocaust and recognizing the vital work of the United States Holocaust Memorial Museum.

I am most grateful for the co-sponsorship of Senators VOINOVICH, REID, COLEMAN, COLLINS and SMITH.

SENATE CONCURRENT RESOLUTION 77—EXPRESSING THE SENSE OF CONGRESS SUPPORTING VIGOROUS ENFORCEMENT OF THE FEDERAL OBSCENITY LAWS

Mr. SESSIONS submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 77

Whereas the Supreme Court in Miller v. California, 413 U.S. 15 (1973) held that obscene material is ''unprotected by the first amendment'' (413 U.S. at 23) and that obscenity laws can be enforced against '''hard core' pornography'' (413 U.S. at 28);

Whereas the Miller Court stated that ''to equate the free and robust exchange of ideas and political debate with commercial exploitation of obscene material demeans the grand conception of the first amendment and its high purposes in the historic struggle for freedom.'' (413 U.S. at 34);

Whereas the Supreme Court in Paris Adult Theatre I v. Slaton, 413 U.S. 49 (1973) recognized that there are legitimate governmental interests at stake in stemming the tide of obscene materials, which include—

(1) protecting ''the quality of life and total community environment'' (413 U.S. at 58);

(2) protecting ''public safety'' (413 U.S. at 58);

(3) maintaining ''a decent society'' (413 U.S. at 59–60);

(4) protecting ''the social interest in order and morality'' (413 U.S. at 61); and

(5) protecting ''family life'' (413 U.S. at 63);

Whereas Congress, in an effort to protect these same legitimate governmental interests, enacted legislation in 1988 to strengthen federal obscenity laws and in 1996 to clarify that use of an interactive computer service to transport obscene materials in or affecting interstate or foreign commerce is prohibited;

Whereas the 1986 Final Report of the Attorney General's Commission on Pornography found that ''increasingly, the most prevalent forms of pornography'' fit the description of ''sexually violent material'' (p. 323) and that ''an enormous amount of the most sexually explicit material available'' can be categorized as ''degrading'' to people, ''most often women'' (p. 331);

Whereas the Internet has become a conduit for hardcore pornography that now reaches directly into tens of millions of American homes, where even small children can be exposed to Internet obscenity and older children can easily find it;

Whereas a national opinion poll conducted in March 2002 by Wirthlin Worldwide marketing research company found that 81 percent of adult Americans say that ''Federal laws against Internet obscenity should be vigorously enforced'';

Whereas a May 2 report from the National Academies' National Research Council stated that ''aggressive enforcement of existing antiobscenity laws can help reduce children's access to certain kinds of sexually explicit material on the Internet'';

Whereas vigorous enforcement of obscenity laws can help reduce the amount of ''virtual child pornography'' now readily available to sexual predators; and

Whereas it continues to be the desire of the People of the United States of America and their representatives in Congress to recognize and protect the governmental interests recognized as legitimate by the United States Supreme Court in Paris Adult Theatre I v. Slaton, 413 U.S. 49 (1973): Now, therefore be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the Federal obscenity laws should be vigorously enforced throughout the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1976. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table.

SA 1977. Mrs. FEINSTEIN (for herself, Ms. SNOWE, and Mrs. MURRAY) proposed an amendment to the bill H.R. 2800, supra.

SA 1978. Mr. MCCONNELL proposed an amendment to the bill H.R. 2800, supra.

SA 1979. Mr. MCCONNELL proposed an amendment to the bill H.R. 2800, supra.

SA 1980. Mr. MCCONNELL proposed an amendment to the bill H.R. 2800, supra.

SA 1981. Mr. MCCONNELL (for Mr. BROWNBACK (for himself, Mr. LAUTENBERG, Mr. KENNEDY, and Mr. LEAHY)) proposed an amendment to the bill H.R. 2800, supra.

SA 1982. Mr. LEAHY proposed an amendment to the bill H.R. 2800, supra.

SA 1983. Mr. LEAHY proposed an amendment to the bill H.R. 2800, supra.

SA 1984. Mr. LEAHY proposed an amendment to the bill H.R. 2800, supra.

SA 1985. Mr. LEAHY proposed an amendment to the bill H.R. 2800, supra.

SA 1986. Mr. LEAHY proposed an amendment to the bill H.R. 2800, supra.

SA 1987. Mr. LEAHY proposed an amendment to the bill H.R. 2800, supra.

SA 1988. Mr. LEAHY (for Mr. SCHUMER (for himself and Mrs. CLINTON)) proposed an amendment to the bill H.R. 2800, supra.

SA 1989. Mr. MCCONNELL (for Mr. CRAIG (for himself and Mr. LEAHY)) proposed an amendment to the bill H.R. 2800, supra.

SA 1990. Mr. MCCONNELL (for Mr. DOMENICI) proposed an amendment to the bill H.R. 2800, supra.

SA 1991. Mr. MCCONNELL (for himself and Mr. LEAHY) proposed an amendment to the bill H.R. 2800, supra.

SA 1992. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 2800, supra; which was ordered to lie on the table.

SA 1993. Mr. SESSIONS (for himself and Mr. LEAHY) proposed an amendment to the bill H.R. 2800, supra.

SA 1994. Mr. DORGAN (for himself and Mr. SCHUMER) proposed an amendment to the bill H.R. 2800, supra.

SA 1995. Mr. ALLARD (for himself, Mr. SMITH, and Mr. CAMPBELL) proposed an amendment to the bill H.R. 2800, supra.

SA 1996. Mr. ALLEN (for himself, Mr. LEAHY, and Mr. BIDEN) submitted an amendment intended to be proposed by him to the bill H.R. 2800, supra; which was ordered to lie on the table.

SA 1997. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 2800, supra; which was ordered to lie on the table.

SA 1998. Ms. LANDRIEU (for herself, Ms. MIKULSKI, and Mr. BIDEN) proposed an amendment to the bill H.R. 2800, supra.

SA 1999. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 2800, supra; which was ordered to lie on the table.

SA 2000. Mr. DORGAN (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 2800, supra; which was ordered to lie on the table.

SA 2001. Mr. REID (for Mr. LEAHY) proposed an amendment to the bill H.R. 2800, supra.

SA 2002. Mr. MCCONNELL (for Mr. VOINOVICH) proposed an amendment to the bill H.R. 2800, supra.

SA 2003. Mr. REID (for Mr. DODD) proposed an amendment to the bill H.R. 2800, supra.

SA 2004. Mr. REID (for Mr. FEINGOLD (for himself, Mr. CAMPBELL, Mr. WYDEN, and Mr. LEAHY)) proposed an amendment to the bill H.R. 2800, supra.

SA 2005. Mr. MCCONNELL (for Mr. LUGAR) proposed an amendment to the bill H.R. 2800, supra.

SA 2006. Mr. REID (for Mr. DASCHLE) proposed an amendment to the bill H.R. 2800, supra.

SA 2007. Mr. REID (for Mr. FEINGOLD) proposed an amendment to the bill H.R. 2800, supra.

SA 2008. Mr. REID (for Mr. BIDEN) proposed an amendment to the bill H.R. 2800, supra.

SA 2009. Mr. REID (for Mr. FEINGOLD) proposed an amendment to the bill H.R. 2800, supra.

SA 2010. Mr. MCCONNELL (for Mr. LUGAR) proposed an amendment to the bill H.R. 2800, supra.

SA 2011. Mr. REID (for Mr. INOUYE) proposed an amendment to the bill H.R. 2800, supra.

SA 2012. Mr. REID (for Mr. HARKIN) proposed an amendment to the bill H.R. 2800, supra.

SA 2013. Mr. MCCONNELL (for Mr. ALLEN (for himself, Mr. LEAHY, and Mr. DURBIN)) proposed an amendment to the bill H.R. 2800, supra.

SA 2014. Mr. MCCONNELL (for Mr. BROWNBACK) proposed an amendment to the bill H.R. 2800, supra.

SA 2015. Mr. MCCONNELL (for Mr. BROWNBACK) proposed an amendment to the bill H.R. 2800, supra.

SA 2016. Mr. REID (for Mr. DODD) proposed an amendment to the bill H.R. 2800, supra.

SA 2017. Mr. MCCONNELL (for Mr. LUGAR) proposed an amendment to the bill H.R. 2800, supra.

SA 2018. Mr. MCCONNELL (for Mr. ENSIGN) proposed an amendment to the bill H.R. 2800, supra.

SA 2019. Mr. REID (for Mr. LEAHY) proposed an amendment to the bill H.R. 2800, supra.

SA 2020. Mr. MCCONNELL (for Mr. FEINGOLD) proposed an amendment to the bill H.R. 2800, supra.

SA 2021. Mr. MCCONNELL (for Mr. BROWNBACK (for himself and Mrs. FEINSTEIN)) proposed an amendment to the bill H.R. 2800, supra.

SA 2022. Mr. REID (for Mr. LEAHY) proposed an amendment to the bill H.R. 2800, supra.

SA 2023. Mr. REID (for Mr. KENNEDY) proposed an amendment to the bill H.R. 2800, supra.

SA 2024. Mr. MCCONNELL (for Mr. FRIST (for himself, Mr. MCCONNELL, and Mr. LEAHY)) proposed an amendment to the bill H.R. 2800, supra.

SA 1976. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 147, between lines 6 and 7, insert the following:

UNITED STATES CITIZENS IN INDONESIA

SEC. 692. (a) Congress makes the following findings:

(1) The United States recognizes the cooperation and solidarity of the Government of Indonesia and the people of Indonesia in the global campaign against terrorism.

(2) Increased cooperation between the United States and the Indonesia police forces is in the interest of both countries and should continue.

(3) Normal military relations between Indonesia and the United States are in the interest of both countries.

(4) The respect of the Indonesia military for human rights and the improvement in relations between the military and the civilian population of Indonesia are extremely important for the future of relations between the United States and Indonesia.

(b) The normalization of the military relationship between the United States and Indonesia cannot begin until—

(1) the Federal Bureau of Investigation has received full cooperation from the Government of Indonesia and the Indonesia armed forces with respect to its investigation into the August 31, 2002, murder of 2 American schoolteachers in Timika, Indonesia; and

(2) the individuals responsible for those murders are brought to justice.

(c) Congress looks forward to continued and increased cooperation with respect to this investigation and to the resolution of the issue, which will contribute to the normalization of military relations between the United States and Indonesia.

SA 1977. Mrs. FEINSTEIN (for herself, Ms. SNOWE, and Mrs. MURRAY) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. For purposes of section 403(a) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7673(a)) the term ''HIV/AIDS prevention'' means only those programs and activities that are directed at preventing the sexual transmission of HIV/AIDS, and activities that include a priority emphasis on the public health benefits of refraining from sexual activity before marriage shall be included in determining compliance with the last sentence of such section 403(a).

SA 1978. Mr. MCCONNELL proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 27, line 1 after the colon insert the following:

Provided further, That $5,000,000 shall be made available to promote freedom of the media and an independent media in Russia:

SA 1979. Mr. MCCONNELL proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 13, line 22 before the period, insert the following:

: *Provided further,* That if the President determines that is important to the national interests of the United States to provide transition assistance in excess of the amount appropriated under this heading, up to $5,000,000 of the funds appropriated by this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961 may be used for purposes of this heading and under the authorities applicable to funds appropriated under this heading: Provided further, That funds made available pursuant to the previous proviso shall be made available subject to prior consultation with the Committees on Appropriations

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SA 1980. Mr. MCCONNELL proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 14, line 6 strike ''costs'' and insert the following:

''cost, including the cost of modifying such direct and guaranteed loans,''

On page 14, line 7 before the period insert the following:

: *Provided further,* That funds made available by this paragraph and under this heading in prior Acts making appropriations for foreign operations, export financing, and related programs, may be used for the cost of modifying any such guaranteed loans under this Act or prior Acts

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SA 1981. Mr. MCCONNELL (for Mr. BROWNBACK (for himself, Mr. LAUTENBERG, Mr. KENNEDY, and Mr. LEAHY) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 147, between lines 6 and 7, insert the following:

REPORT ON ADMISSION OF REFUGEES

SEC. 692. (a) Congress makes the following findings:

(1) As of October 2003, there are 13,000,000 refugees worldwide, many of whom have fled religious, political, and other forms of persecution.

(2) Refugee resettlement remains a critical tool of international refugee protection and an essential component of the humanitarian and foreign policy of the United States.

(3) Prior to the beginning of each fiscal year, the President designates, in a Presidential Determination, a target number of refugees to be admitted to the United States under the United States Refugee Resettlement Program.

(4) Although the President authorized the admission of 70,000 refugees in fiscal year 2003, only 28,419 refugees were admitted.

(5) From fiscal year 1980 to fiscal year 2000, the average level of U.S. refugee admissions was slightly below 100,000 per year.

(6) The United States Government policy is to resettle the designated number of refugees each fiscal year. Congress expects the Department of State, the Department of Homeland Security, and the Department of Health and Human Services to implement the admission of 70,000 refugees as authorized by the President for fiscal year 2004.

(b)(1) The Secretary of State, shall utilize private voluntary organizations with expertise in the protection needs of refugees in the processing of refugees overseas for admission and resettlement to the United States, and shall utilize such agencies in addition to the United Nations High Commission for Refugees in the identification and referral of refugees.

(2) The Secretary of State shall establish a system for accepting referrals of appropriate candidates for resettlement from local private, voluntary organizations and work to ensure that particularly vulnerable refugee groups receive special consideration for admission into the United States, including—

(A) long-stayers in countries of first asylum;

(B) unaccompanied refugee minors;

(C) refugees outside traditional camp settings; and

(D) refugees in woman-headed households.

(3) The Secretary of State shall give special consideration to—

(A) refugees of all nationalities who have close family ties to citizens and residents of the United States; and

(B) other groups of refugees who are of special concern to the United States.

(4) Not later than 90 days after the date of enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees describing the steps that have been taken to implement this subsection.

(c) Not later than September 30, 2004, if the actual refugee admissions numbers do not conform with the authorized ceiling on the number of refugees who may be admitted, the Secretary of State, the Secretary of Homeland Security, and the Secretary of Health and Human Services shall report to Congress on the—

(1) execution and implementation of the refugee resettlement program; and

(2) reasons for the failure to resettle the maximum number of refugees.

SA 1982. Mr. LEAHY proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 75, line 17, after ''Afghan'' insert the following Independent

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SA 1983. Mr. LEAHY proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 35, line 10, after the semi-colon, insert: and

On page 35, line 12, strike ''; (3)'' and insert in lieu thereof the following: : *Provided further,* That such funds may not be made available unless the Secretary of State certifies to the Committees on Appropriations that

On page 35, line 15, strike ''; and'' and insert in lieu thereof the following: : *Provided further,* That

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SA 1984. Mr. LEAHY proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 105, line 25, strike ''180 days'' and insert in lieu thereof the following: one year

On page 106, line 3, strike ''nongovernmental'' and everything that follows through ''plan'' on line 6, and insert in lieu thereof the following: governments and nongovernmental organizations, shall submit to the Committees on Appropriations a strategy

On page 106, line 10, strike ''$10,000,000'' and insert in lieu thereof the following: $5,000,000

On page 106, line 11, strike ''implement the action plan'' and insert in lieu thereof the following: develop the strategy

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SA 1985. Mr. LEAHY proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 87, line 23, strike ''That in'' and everything thereafter through ''subsection'' on line 24, and insert in lieu thereof the following: That the application of section 507(4)(D) and (E) of such Act

On page 87, line 26 strike ''the'' and everything thereafter through ''subsection'' on page 88, line 1, and insert in lieu thereof the following: and

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SA 1986. Mr. LEAHY proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 20, line 9, before the colon, insert the following: , of which up to $1,000,000 may be available for administrative expenses of the United States Agency for International Development

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SA 1987. Mr. LEAHY proposed an amendment to the bill H.R. 2800, making appropriations to foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 34, line 17, strike ''$2,500,000'' and insert in lieu thereof: $3,500,000

SA 1988. Mr. LEAHY (for Mr. SCHUMER (for himself, and Mrs. CLINTON)) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Beginning on page 98, strike line 24 and all that follows through page 99, line 10 and insert the following:

SEC. 644. (a) Subject to subsection (c), of the funds appropriated by this Act that are made available for assistance for a foreign country, an amount equal to 110 percent of the total amount of the unpaid fully adjudicated parking fines and penalties owed by such country shall be withheld from obligation for such country until the Secretary of State submits a certification to the appropriate congressional committees stating that such parking fines and penalties are fully paid.

(b) Funds withheld from obligation pursuant to subsection (a) may be made available for other programs or activities funded by this Act, after consultation with and subject to the regulation notification procedures of the appropriate congressional committees, provided that no such funds shall be made available for assistance to a foreign country that has not paid the total amount of the fully adjudicated parking fines and penalties owed by such country.

(c) Subsection (a) shall not include amounts that have been withheld under any other provision of law.

(d) The Secretary of State may waive the requirements set forth in subsection (a) with respect to a country if the Secretary—

(1) determines that the waiver is in the national security interests of the United States; and

(2) submits to the appropriate congressional committees a written justification for such determination that includes a description of the steps being taken to collect the parking fines and penalties owed by such country.

(e) In this section:

(1) The term ''appropriate congressional committees'' means the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives.

(2) The term ''fully adjudicated'' includes circumstances in which the person to whom the vehicle is registered—

(A)(i) has not responded to the parking violation summons; or

(ii) has not followed the appropriate adjudication procedure to challenge the summons; and

(B) the period of time for payment or challenge the summons has lapsed.

(3) The term ''parking fines and penalties'' means parking fines and penalties—

(A) owed to—

(i) the District of Columbia; or

(ii) New York, New York; and

(B) incurred during the period April 1, 1997 through September 30, 2003.

SA 1989. Mr. MCCONNELL (for Mr. Craig (for himself and Mr. LEAHY)) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 75, line 15 after the colon insert the following:

Provided further, That of the funds made available pursuant to this section, not less than $5,000,000 shall be made available for a reforestation program in Afghanistan which should utilize, as appropriate, the technical expertise of American universities: Provided further, That funds made available pursuant to the previous proviso should be matched, to the maximum extent possible, with contributions from American and Afghan businesses:

SA 1990. Mr. MCCONNELL (for Mr. DOMENICI) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 32, line 7, before the colon insert the following:

, of which $2,105,000 should be made available for construction and completion of a new facility

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SA 1991. Mr. MCCONNELL (for himself and Mr. LEAHY) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 17, line 17, after the colon insert the following:

Provided further, That of the funds made available pursuant to the previous proviso, $2,000,000 shall be made available for the Ibn Khaldun Center for Development:

SA 1992. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, line 20, after ''proviso:'' insert ''*Provided further,* That of the funds appropriated under this heading, not less than $15,000,000 shall be available for the Global Tuberculosis Drug Facility:''.

SA 1993. Mr. SESSIONS (for himself and Mr. LEAHY) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 23, line 8, strike the period and insert '': *Provided further,* That of the funds appropriated under this heading, not less than $29,000,000 shall be made available for injection safety programs, including national planning, the provision and international transport of nonreusable autodisposable syringes or other safe injection equipment, public education, training of health providers, waste management, and publication of quantitative results: *Provided further,* That of the funds appropriated under this heading, not less than $46,000,000 shall be made available for blood safety programs, including the establishment and support of national blood services, the provision of rapid HIV test kits, staff training, and quality assurance programs.''.

SA 1994. Mr. DORGAN (for himself and Mr. SCHUMER) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. Sense of the Senate on declassifying portions of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 2001.

(a) FINDINGS.—The Senate finds that—

(1) The President has prevented the release to the American public of 28 pages of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 2001.

(2) The contents of the redacted pages discuss sources of foreign support for some of the September 11th hijackers while they were in the United States.

(3) The Administration's decision to classify this information prevents the American people from having access to information about the involvement of certain foreign governments in the terrorist attacks of September 2001.

(4) The Kingdom of Saudi Arabia has requested that the President release the 28 pages.

(5) The Senate respects the need to keep information regarding intelligence sources and methods classified, but the Senate also recognizes that such purposes can be accomplished through careful selective redaction of specific words and passages, rather than effacing the section's contents entirely.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that in light of these findings the President should declassify the 28-page section of the Joint Inquiry into Intelligence

Community Activities Before and After the Terrorist Attacks of September 2001 that deals with foreign sources of support for the 9-11 hijackers, and that only those portions of the report that would directly compromise ongoing investigations or reveal intelligence sources and methods should remain classified.

SA 1995. Mr. ALLARD (for himself, Mr. SMITH, and Mr. CAMPBELL) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 147, between lines 6 and 7, insert the following new section:

LIMITATION ON THE PROVISION OF IMET FUNDS TO INDONESIA

SEC. 692. (a) Subject to subsection (c), no funds appropriated by title IV of this Act, under the subheading ''INTERNATIONAL MILITARY EDUCATION AND TRAINING'' under the heading ''FUNDS APPROPRIATED TO THE PRESIDENT'' shall be made available for military education and training for Indonesia.

(b) Nothing in this section shall prohibit the United States Government from continuing to conduct programs or training with the Indonesian Armed Forces, including counter-terrorism training, officer visits, port visits, or educational exchanges that are being conducted on the date of the enactment of this Act.

(c) The President may waive the application of subsection (a) if the President—

(1) determines that the national security interests of the United States justify such a waiver; and

(2) submits notice of such a waiver and a justification for such a waiver to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives in accordance with the regular notification procedures of such Committees.

SA 1996. Mr. ALLEN (for himself, Mr. LEAHY, and Mr. BIDEN) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 32, line 10, before the period insert ''*: Provided further*, That $5,000,000 of amounts made available under this heading shall be for combating piracy of United States intellectual property''.

SA 1997. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 147, between lines 6 and 7, insert the following new section:

DEMOCRACY BUILDING IN CUBA

SEC. 692. (a) Of the funds appropriated by title II, under the heading ''TRANSITION INITIATIVES'', not less than $5,000,000 shall be available for support for eligible Cuban recipients and independent nongovernmental organizations to support democracy-building efforts for Cuba, including providing support for—

(1) political prisoners held in Cuba and members of their families;

(2) persons persecuted or harassed for dissident activities in Cuba;

(3) independent libraries in Cuba;

(4) independent workers' rights activists in Cuba;

(5) independent agricultural cooperatives in Cuba;

(6) independent associations of self-employed Cubans;

(7) independent journalists in Cuba;

(8) independent youth organizations in Cuba;

(9) independent environmental groups in Cuba;

(10) independent economists, medical doctors, and other professionals in Cuba;

(11) the establishment and maintenance of an information and resources center to be located in the United States Interests Section in Havana, Cuba;

(12) prodemocracy programs of the National Endowment for Democracy that are related to Cuba;

(13) nongovernmental programs to facilitate access to the Internet in Cuba, subject to section 1705(e) of the Cuban Democracy Act of 1992 (22 U.S.C. 6004(e));

(14) nongovernmental charitable programs that provide nutrition and basic medical care to persons most at risk in Cuba, including children and elderly persons; and

(15) nongovernmental charitable programs to reintegrate into civilian life persons who have abandoned, resigned, or been expelled from the Cuban armed forces for ideological reasons.

(b) In this section:

(1) The term ''independent nongovernmental organization'' means an organization that the Secretary of State determines, not less than 15 days before any obligation of funds made available under this section to the organization, is a charitable or nonprofit nongovernmental organization that is not an agency or instrumentality of the Cuban Government.

(2) The term ''eligible Cuban recipient'' means a Cuban national in Cuba, including a political prisoner and the family of such prisoner, who is not an official of the Cuban Government or of the ruling political party in Cuba, as defined in section 4(10) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6023(10)).

(c) The notification requirements of section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1) shall apply to any allocation or transfer of funds made pursuant to this section.

SA 1998. Ms. LANDRIEU (for herself, Ms. MIKULSKI, and Mr. BIDEN) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 147, between lines 6 and 7, insert the following new section:

SEC. 692. (a) None of the funds made available by title II under the heading ''INTERNATIONAL DISASTER ASSISTANCE'', ''TRANSITION INITIATIVES'', ''MIGRATION AND REFUGEE ASSISTANCE'', or ''UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND'' or made available for such accounts by any other provision of law for fiscal year 2004 to provide assistance to refugees or internally displaced persons may be provided to an organization that has failed to adopt a code of conduct consistent with the Inter-Agency Standing Committee Task Force on Protection From Sexual Exploitation and Abuse in Humanitarian Crises six core principles for the protection of beneficiaries of humanitarian assistance.

(b) In administering the amounts made available for the accounts described in subsection (a), the Secretary of State and Administrator of the United States Agency for International Development shall incorporate specific policies and programs for the purpose of identifying specific needs of, and particular threats to, women and children at the various stages of a complex humanitarian emergency, especially at the onset of such emergency.

(c) Not later than 90 days after the date of enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report on activities of the Government of the United States to protect women and children affected by a complex humanitarian emergency. The report shall include—

(1) an assessment of the specific protection needs of women and children at the various stages of a complex humanitarian emergency;

(2) a description of which agencies and offices of the United States Government are responsible for addressing each aspect of such needs and threats; and

(3) guidelines and recommendations for improving United States and international systems for the protection of women and children during a complex humanitarian emergency.

(d) In this section, the term ''complex humanitarian emergency'' means a situation that—

(A) occurs outside the United States and results in a significant number of—

(i) refugees;

(ii) internally displaced persons; or

(iii) other civilians requiring basic humanitarian assistance on an urgent basis; and

(B) is caused by one or more situations including—

(i) armed conflict;

(ii) natural disaster;

(iii) significant food shortage; or

(iv) state-sponsored harassment or persecution.

SA 1999. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. The Secretary of State shall promptly make publicly available prices paid to purchase HIV/AIDS pharmaceuticals, antiviral therapies, and other appropriate medicines, including medicines to treat opportunistic infections, for the treatment of people with HIV/AIDS and the prevention of mother-to-child transmission of HIV/AIDS in developing countries—

(1) through the use of funds appropriated under this Act; and

(2) to the extent available, by—

(A) the World Health Organization; and

(B) the Global Fund to Fight AIDS, Tuberculosis, and Malaria.

SA 2000. Mr. DORGAN (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30,

2004, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . Sense of the Senate on declassifying portions of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 2001.

(a) FINDINGS.—The Senate finds that—

(1) The President has prevented the release to the American public of 28 pages of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 2001.

(2) The contents of the redacted pages discuss sources of foreign support for some of the September 11 hijackers while they were in the United States.

(3) The Administration's decision to classify this information prevents the American people from having access to information about the involvement of certain foreign governments in the terrorist attacks of September 2001.

(4) The Kingdom of Saudi Arabia has requested that the President release the 28 pages.

(5) The Senate respects the need to keep information regarding the intelligence sources and methods classified, but the Senate also recognizes that such purposes can be accomplished through careful selective redaction of specific words and passages, rather than effacing the section's contents entirely.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that in light of these findings the President should declassify the 28-page section of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 2001 that deals with foreign sources of support for the 9–11 hijackers, and that only those portions of the report that would directly compromise ongoing investigations or reveal intelligence sources and methods should remain classified.

This section shall take effect one day after the date of this bill's enactment.

SA 2001. Mr. REID (for Mr. LEAHY) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 23, line 8. before the period, insert the following:

: *Provided further,* That of the funds appropriated under this heading, not less than $28,000,000 shall be made available for a United States contribution to UNAIDS

SA 2002. Mr. MCCONNELL (for Mr. VOINOVICH) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 147, between lines 6 and 7, insert the following new section:

ANNUAL REPORT ON INTERNATIONAL RELIGIOUS FREEDOM TO INCLUDE INFORMATION ON ANTI-SEMITISM AND OTHER RELIGIOUS INTOLERANCE

SEC. 692. Section 102(b)(1) of the International Religious Freedom Act of 1998 (22 U.S.C. 6412(b)(1)) is amended by adding at the end the following new subparagraph:

''(G) ACTS OF ANTI-SEMITISM AND OTHER RELIGIOUS INTOLERANCE.—A description for each foreign country of—

''(i) acts of violence against people of the Jewish faith and other faiths that occurred in that country;

''(ii) the response of the government of that country to such acts of violence; and

''(iii) actions by the government of that country to enact and enforce laws relating to the protection of the right to religious freedom with respect to people of the Jewish faith.

SA 2003. Mr. REID (for Mr. DODD) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 21, line 18, after the comma insert the following: ''That of the funds appropriated under this heading, up to $15,000,000 should be made available as a United States contribution to the Organization of American States for expenses related to the OAS Special Mission in Haiti and the implementation of OAS Resolution 822 and subsequent resolutions related to improving security and the holding of elections to resolve the political impasse created by the disputed May 2000 election: *Provided further,*''

SA 2004. Mr. REID (for Mr. FEINGOLD (for himself, Mr. CAMPBELL, Mr. WYDEN, and Mr. LEAHY) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 147, between lines 6 and 7, insert the following:

UNITED STATES CITIZENS IN INDONESIA

SEC. 692. (a) Congress makes the following findings:

(1) The United States recognizes the cooperation and solidarity of the Government of Indonesia and the people of Indonesia in the global campaign against terrorism.

(2) Increased cooperation between the United States and the Indonesia police forces is in the interest of both countries and should continue.

(3) Normal military relations between Indonesia and the United States are in the interest of both countries.

(4) The respect of the Indonesia military for human rights and the improvement in relations between the military and the civilian population of Indonesia are extremely important for the future of relations between the United States and Indonesia.

(b) The normalization of the military relationship between the United States and Indonesia cannot begin until—

(1) the Federal Bureau of Investigation has received full cooperation from the Government of Indonesia and the Indonesia armed forces with respect to its investigation into the August 31, 2002, murder of 2 American schoolteachers in Timika, Indonesia; and

(2) the individuals responsible for those murders are brought to justice.

(c) Congress looks forward to continued and increased cooperation with respect to this investigation and to the resolution of the issue, which will contribute to the normalization of military relations between the United States and Indonesia.

SA 2005. Mr. MCCONNELL (for Mr. LUGAR) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 147, between lines 6 and 7, insert the following:

POST DIFFERENTIALS AND DANGER PAY ALLOWANCES

SEC. 692. (a) Section 5925(a) of title 5, United States Code, is amended in the third sentence by inserting after ''25 percent of the rate of basic pay'' the following: ''or, in the case of an employee of the United States Agency for International Development, 35 percent of the rate of basic pay''.

(b) Section 5928 of title 5, United States Code, is amended by inserting after ''25 percent of the basic pay of the employee'' both places it appears the following: ''or 35 percent of the basic pay of the employee in the case of an employee of the United States Agency for International Development''.

(c) The amendments made by subsections (a) and (b) shall take effect on October 1, 2003, and shall apply with respect to post differentials and danger pay allowances paid for months beginning on or after that date.

SA 2006. Mr. REID (for Mr. DASCHLE) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 147, between lines 6 and 7, insert the following:

SENSE OF CONGRESS ON CONTRACTING FOR DELIVERY OF ASSISTANCE BY AIR

SEC. 692. It is the sense of Congress that the Administrator of the United States Agency for International Development should, to the maximum extent practicable and in a manner consistent with the use of full and open competition (as that term is defined in section 4(6) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(6))), contract with small, domestic air transport providers for purposes of the delivery by air of assistance available under this Act.

SA 2007. Mr. REID (for Mr. FEINGOLD) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 147, between lines 6 and 7, insert the following:

REPORT ON SIERRA LEONE

Not later than 6 months after the date of enactment of this Act, the Administrator of the United States Agency for International Development shall submit a report to the Committee on Foreign Relations and Committee on Appropriations of the Senate and the Committee on International Relations and Committee on Appropriations of the House of Representatives on the feasibility of establishing a United States mission in Sierra Leone.

SA 2008. Mr. REID (for Mr. BIDEN) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 40, line 18, insert after ''Commission'' the following: ''and that are not necessary to make the United States contribution to the Commission in the amount assessed for fiscal year 2004''.

SA 2009. Mr. REID (for Mr. FEINGOLD) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 147, between lines 6 and 7, insert the following:

REPORT ON SOMALIA

SEC. 692. (a) Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and International Relations of the House of Representatives a report on a strategy for engaging with competent and responsible authorities and organizations within Somalia, including in Somaliland, to strengthen local capacity and establish incentives for communities to seek stability.

(b) The report shall describe a multi-year strategy for—

(1) increasing access to primary and secondary education and basic health care services;

(2) supporting efforts underway to establish clear systems for effective regulation and monitoring of Somali hawala, or informal banking, establishments; and

(3) supporting initiatives to rehabilitate the livestock export sector in Somalia.

SA 2010. Mr. MCCONNELL (for Mr. LUGAR) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 147, between lines 6 and 7, insert the following:

DESIGNATION OF THE GLOBAL FUND TO FIGHT AIDS, TUBERCULOSIS AND MALARIA UNDER THE INTERNATIONAL ORGANIZATIONS IMMUNITIES ACT

SEC. 692. The International Organizations Immunities Act (22 U.S.C. 288 et seq.) is amended by adding at the end the following new section:

''SEC. 16. The provisions of this title may be extended to the Global Fund to Fight AIDS, Tuberculosis and Malaria in the same manner, to the same extent, and subject to the same conditions, as they may be extended to a public international organization in which the United States participates pursuant to any treaty or under the authority of any Act of Congress authorizing such participation or making an appropriation for such participation.''.

SA 2011. Mr. REID (for Mr. INOUYE) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 147, between lines 6 and 7 insert the following new section:

GUINEA WORM ERADICATION PROGRAM

SEC. 692. Of the funds made available in title II under the headings ''CHILD SURVIVAL AND HEALTH PROGRAMS FUND'' and ''DEVELOPMENT ASSISTANCE'', not less than $5,000,000 may be made available for the Carter Center's Guinea Worm Eradication Program.

SA 2012. Mr. REID (for Mr. HARKIN) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 46, line 15, insert after ''resources'' the following: ''and to providing opportunities for the inclusion of persons with disabilities''.

SA 2013. Mr. MCCONNELL (for Mr. ALLEN (for himself, Mr. LEAHY, and Mr. DURBIN)) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 32, line 10, before the period insert ''*: Provided further,* That $5,000,000 of amounts made available under this heading shall be for combating piracy of United States intellectual property''.

SA 2014. Mr. MCCONNELL (for Mr. BROWNBACK) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Beginning on page 78, line 25, strike ''funds'' and all that follows through ''Iran:'' on page 79, line 3, and insert the following: ''not to exceed $5,000,000 of such funds may be used in coordination with the Middle East Partnership Initiative for making grants to educational, humanitarian and nongovernmental organizations and individuals inside Iran to support the advancement of democracy and human rights in Iran.

SA 2015. Mr. MCCONNELL (for Mr. BROWNBACK) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 147, between lines 6 and 7, insert the following new section:

SEC. 692. (a) Congress makes the following findings:

(1) The Islamic Republic of Iran is neither free nor fully democratic, and undemocratic institutions, such as the Guardians Council, thwart the will of the Iranian people.

(2) There is ongoing repression of journalists, students, and intellectuals in Iran, women in Iran are deprived of their internationally recognized human rights, and religious freedom is not respected under the laws of Iran.

(3) The Department of State asserted in its ''Patterns of Global Terrorism 2002'' report released on April 30, 2003, that Iran remained the most active state sponsor of terrorism and that Iran continues to provide funding, safe-haven, training, and weapons to known terrorist groups, notably Hizballah, HAMAS, the Palestine Islamic Jihad, and the Popular Front for the Liberation of Palestine.

(4) The International Atomic Energy Agency (IAEA) has found that Iran has failed to accurately disclose all elements of its nuclear program. The IAEA is engaged in efforts to determine the extent, origin and implications of Iranian nuclear activities that were not intially reported to the IAEA.

(5) There have been credible reports of Iran harboring Al-Qaeda fugitives and permitting the passage of terrorist elements into Iraq.

(b) It is the sense of Congress that it should be the policy of the United States to—

(1) support transparent, full democracy in Iran;

(2) support the rights of the Iranian people to choose their system of government.

(3) condemn the brutal treatment and imprisonment and torture of Iranian civilians expressing political dissent;

(4) call upon the Government of Iran to comply fully with requests by the International Atomic Energy Agency for information and to immediately suspend all activities related to the development of nuclear weapons and their delivery systems;

(5) demand that al Qaeda members be immediately turned over to governments requesting their extradition; and

(6) demand that Iran prohibit and prevent the passage of armed elements into Iraq and cease all activities to undermine the Iraqi Governing Council and the reconstruction of Iraq.

SA 2016. Mr. REID (for Mr. DODD) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 17, line 18 after the first comma add the following:

''That the Government of Egypt should promptly provide the United States Embassy in Cairo with assurances that it will honor contracts entered into with United States companies in a timely manner: *Provided further,*''

SA 2017. Mr. MCCONNELL (for Mr. LUGAR) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Strike title III, and insert the following:

TITLE III—MILLENNIUM CHALLENGE ASSISTANCE

SEC. 301. SHORT TITLE.

This title may be cited as the ''Millennium Challenge Act of 2003''.

SEC. 302. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) On March 14, 2002, President George W. Bush stated that ''America supports the international development goals in the U.N. Millennium Declaration, and believes that the goals are a shared responsibility of developed and developing countries.'' The President also called for a ''new compact for global development, defined by new accountability for both rich and poor nations'' and pledged support for increased assistance from the United States through the establishment of a Millennium Challenge Account for countries that govern justly, invest in their own people, and encourage economic freedom.

(2) The elimination of extreme poverty and the achievement of the other international development goals of the United Nations Millennium Declaration adopted by the United Nations General Assembly on September 8, 2000, are important objectives and it is appropriate for the United States to make development assistance available in a manner that will assist in achieving such goals.

(3) The availability of financial assistance through a Millennium Challenge Account, linked to performance by developing countries, can contribute significantly to the achievement of the international development goals of the United Nations Millennium Declaration.

(b) PURPOSES.—The purposes of this title are—

(1) to provide United States assistance for global development through the Millennium Challenge Corporation, as described in section 305; and

(2) to provide such assistance in a manner that promotes economic growth and the elimination of extreme poverty and strengthens good governance, economic freedom, and investments in people.

SEC. 303. DEFINITIONS.

In this title:

(1) BOARD.—The term ''Board'' means the Millennium Challenge Board established by section 304(c).

(2) CANDIDATE COUNTRY.—The term ''candidate country'' means a country that meets the criteria set out in section 306.

(3) CEO.—The term ''CEO'' means the chief executive officer of the Corporation established by section 304(b).

(4) CORPORATION.—The term ''Corporation'' means the Millennium Challenge Corporation established by section 304(a).

(5) ELIGIBLE COUNTRY.—The term ''eligible country'' means a candidate country that is determined, under section 307, as being eligible to receive assistance under this title.

(6) MILLENNIUM CHALLENGE ACCOUNT.—The term ''Millennium Challenge Account'' means the account established under section 322.

SEC. 304. ESTABLISHMENT AND MANAGEMENT OF THE MILLENNIUM CHALLENGE CORPORATION.

(a) ESTABLISHMENT OF THE CORPORATION.—There is established in the executive branch a corporation within the meaning of section 103 of title 5, United States Code, to be known as the Millennium Challenge Corporation with the powers and authorities described in this title.

(b) CEO OF THE CORPORATION.—

(1) IN GENERAL.—There shall be a chief executive officer of the Corporation who shall be responsible for the management of the Corporation.

(2) APPOINTMENT.—The President shall appoint, by and with the advice and consent of the Senate, the CEO.

(3) RELATIONSHIP TO THE SECRETARY OF STATE.—The CEO shall report to and be under the direct authority and foreign policy guidance of the Secretary of State. The Secretary of State shall coordinate the provision of United States foreign assistance.

(4) DUTIES.—The CEO shall, in consultation with the Board, direct the performance of all functions and the exercise of all powers of the Corporation, including ensuring that assistance under this title is coordinated with other United States economic assistance programs.

(5) EXECUTIVE LEVEL II.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

''Chief Executive Officer, Millennium Challenge Corporation.''.

(c) MILLENNIUM CHALLENGE BOARD.—

(1) ESTABLISHMENT OF THE BOARD.—There is established a Millennium Challenge Board.

(2) COMPOSITION.—The Board shall be composed of the following members:

(A) The Secretary of State, who shall serve as the Chair of the Board.

(B) The Secretary of the Treasury.

(C) The Administrator of the United States Agency for International Development.

(D) The CEO.

(E) The United States Trade Representative.

(2) FUNCTIONS OF THE BOARD.—The Board shall perform the functions specified to be carried out by the Board in this title.

SEC. 305. AUTHORIZATION FOR MILLENNIUM CHALLENGE ASSISTANCE.

(a) AUTHORITY.—The Corporation is authorized to provide assistance to an eligible entity consistent with the purposes of this title set out in section 302(b) to conduct programs or projects consistent with the objectives of a Millennium Challenge Contract. Assistance provided under this title may be provided notwithstanding any other provision of law, except that the Corporation is prohibited from providing assistance to any entity for any project which is likely to—

(1) cause the substantial loss of United States jobs or the displacement of United States production; or

(2) pose an unreasonable or major environmental, health, or safety hazard.

(b) EXCEPTION.—Assistance under this title may not be used for military assistance or training.

(c) FORM OF ASSISTANCE.—Assistance under this title may be provided in the form of grants to eligible entities.

(d) COORDINATION.—The provision of assistance under this title shall be coordinated with other United States foreign assistance programs.

(e) APPLICATIONS.—An eligible entity seeking assistance under this title to conduct programs or projects consistent with the objectives of a Millennium Challenge Contract shall submit a proposal for the use of such assistance to the Board in such manner and accompanied by such information as the Board may reasonably require.

SEC. 306. CANDIDATE COUNTRY.

(a) IN GENERAL.—A country is a candidate country for the purposes of this title—

(1) during fiscal year 2004, if such country is eligible to receive loans from the International Development Association;

(2) during fiscal year 2005, if the per capita income of such country is less than the historical per capita income cutoff of the International Development Association for that year; and

(3) during any fiscal year after 2005—

(A) for which more than $5,000,000,000 has been appropriated to the Millennium Challenge Account, if the country is classified as a lower middle income country by the World Bank on the first day of such fiscal year; or

(B) for which not more than $5,000,000,000 has been appropriated to such Millennium Challenge Account, the per capita income of such country is less than the historical per capita income cutoff of the International Development Association for that year.

(b) LIMITATION ON ASSISTANCE TO CERTAIN CANDIDATE COUNTRIES.—In a fiscal year in which subparagraph (A) of subsection (a)(3) applies with respect to determining candidate countries, not more than 20 percent of the amounts appropriated to the Millennium Challenge Account shall be available for assistance to countries that would not be candidate countries if subparagraph (B) of subsection (a)(3) applied during such year.

SEC. 307. ELIGIBLE COUNTRY.

(a) DETERMINATION BY THE BOARD.—The Board shall determine whether a candidate country is an eligible country by evaluating the demonstrated commitment of the government of the candidate country to—

(1) just and democratic governance, including a demonstrated commitment to—

(A) promote political pluralism and the rule of law;

(B) respect human and civil rights;

(C) protect private property rights;

(D) encourage transparency and accountability of government; and

(E) limit corruption;

(2) economic freedom, including a demonstrated commitment to economic policies that—

(A) encourage citizens and firms to participate in global trade and international capital markets;

(B) promote private sector growth and the sustainable use of natural resources; and

(C) strengthen market forces in the economy; and

(3) investments in the people of such country, including improving the availability of educational opportunities and health care for all citizens of such country.

(b) ASSESSING ELIGIBILITY.—

(1) IN GENERAL.—To evaluate the demonstrated commitment of a candidate country for the purposes of subsection (a), the CEO shall recommend objective and quantifiable indicators, to be approved by the Board, of a candidate country's performance with respect to the criteria described in paragraphs (1), (2), and (3) of such subsection. In recognition of the essential role of women in developing countries, the CEO shall ensure that such indicators, where appropriate, take into account and assess the role of women and girls. The approved indicators shall be used in selecting eligible countries.

(2) ANNUAL PUBLICATION OF INDICATORS.—

(A) INITIAL PUBLICATION.—Not later than 45 days prior to the final publication of indicators under subparagraph (B) in any year, the Board shall publish in the Federal Register and make available on the Internet the indicators that the Board proposes to use for the purposes of paragraph (1) in such year.

(B) FINAL PUBLICATION.—Not later than 15 days prior to the selection of eligible countries in any year, the Board shall publish in the Federal Register and make available on the Internet the indicators that are to be used for the purposes of paragraph (1) in such year.

(3) CONSIDERATION OF PUBLIC COMMENT.—The Board shall consider any comments on the proposed indicators published under paragraph (2)(A) that are received within 30 days after the publication of such indicators when selecting the indicators to be used for the purposes of paragraph (1).

SEC. 308. ELIGIBLE ENTITY.

(a) ASSISTANCE.—Any eligible entity may receive assistance under this title to carry out a project in an eligible country for the purpose of making progress toward achieving an objective of a Millennium Challenge Contract.

(b) DETERMINATIONS OF ELIGIBILITY.—The Board shall determine whether a person or governmental entity is an eligible entity for the purposes of this section.

(c) ELIGIBLE ENTITIES.—For the purposes of this section, an eligible entity is—

(1) a government, including a local or regional government; or

(2) a nongovernmental organization or other private entity.

SEC. 309. MILLENNIUM CHALLENGE CONTRACT.

(a) IN GENERAL.—The Board shall invite the government of an eligible country to enter into a Millennium Challenge Contract with the Corporation. A Millennium Challenge Contract shall establish a multiyear plan for the eligible country to achieve specific objectives consistent with the purposes set out in section 302(b).

(b) CONTENT.—A Millennium Challenge Contract shall include—

(1) specific objectives to be achieved by the eligible country during the term of the Contract;

(2) a description of the actions to be taken by the government of the eligible country and the United States Government for achieving such objectives;

(3) the role and contribution of private entities, nongovernmental organizations, and other organizations in achieving such objectives;

(4) a description of beneficiaries, to the extent possible disaggregated by gender;

(5) regular benchmarks for measuring progress toward achieving such objectives;

(6) a schedule for achieving such objectives;

(7) a schedule of evaluations to be performed to determine whether the country is meeting its commitments under the Contract;

(8) a statement that the Corporation intends to consider the eligible country's performance in achieving such objectives in making decisions about providing continued assistance under the Contract;

(9) the strategy of the eligible country to sustain progress made toward achieving such objectives after the expiration of the Contract;

(10) a plan to ensure financial accountability for any assistance provided to a person or government in the eligible country under this title; and

(11) a statement that nothing in the Contract may be construed to create a legally binding or enforceable obligation on the United States Government or on the Corporation.

(c) REQUIREMENT FOR CONSULTATION.—The Corporation shall seek to ensure that the government of an eligible country consults with private entities and nongovernmental organizations in the eligible country for the purpose of ensuring that the terms of a Millennium Challenge Contract entered into by the Corporation and the eligible country—

(1) reflect the needs of the rural and urban poor in the eligible country; and

(2) provide means to assist poor men and women in the eligible country to escape poverty through their own efforts.

(d) REQUIREMENT FOR APPROVAL BY THE BOARD.—A Millennium Challenge Contract shall be approved by the Board before the Corporation enters into the Contract.

SEC. 310. SUSPENSION OF ASSISTANCE TO AN ELIGIBLE COUNTRY.

The Secretary of State shall direct the CEO to suspend the provision of assistance to an eligible country under a Millennium Challenge Contract during any period for which such eligible country is ineligible to receive assistance under a provision of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.).

SEC. 311. DISCLOSURE.

(a) REQUIREMENT FOR DISCLOSURE.—The Corporation shall make available to the public on a continuous basis and on the earliest possible date, but not later than 15 days after the information is available to the Corporation, the following information:

(1) A list of the candidate countries determined to be eligible countries during any year.

(2) The text of each Millennium Challenge Contract entered into by the Corporation.

(3) For assistance provided under this title—

(A) the name of each entity to which assistance is provided;

(B) the amount of assistance provided to the entity; and

(C) a description of the program or project for which assistance was provided.

(4) For each eligible country, an assessment of—

(A) the progress made during each year by an eligible country toward achieving the objectives set out in the Millennium Challenge Contract entered into by the eligible country; and

(B) the extent to which assistance provided under this title has been effective in helping the eligible country to achieve such objectives.

(b) DISSEMINATION.—The information required to be disclosed under subsection (a) shall be made available to the public by means of publication in the Federal Register and posting on the Internet, as well as by any other methods that the Board determines appropriate.

SEC. 312. MILLENNIUM CHALLENGE ASSISTANCE TO CANDIDATE COUNTRIES.

(a) AUTHORITY.—Notwithstanding any other provision of this title and subject to the limitation in subsection (c), the Corporation is authorized to provide assistance to a candidate country that meets the conditions in subsection (b) for the purpose of assisting such country to become an eligible country.

(b) CONDITIONS.—Assistance under subsection (a) may be provided to a candidate country that is not an eligible country under section 307 because of—

(1) the unreliability of data used to assess its eligibility under section 307; or

(2) the failure of the government of the candidate country to perform adequately with respect to only 1 of the indicators described in subsection (a) of section 307.

(c) LIMITATION.—The total amount of assistance provided under subsection (a) in a fiscal year may not exceed 10 percent of the funds made available to the Millennium Challenge Account during such fiscal year.

SEC. 313. ANNUAL REPORT TO CONGRESS.

Not later than January 31 of each year, the President shall submit to Congress a report on the assistance provided under this title during the prior fiscal year. The report shall include—

(1) information regarding obligations and expenditures for assistance provided to each eligible country in the prior fiscal year;

(2) a discussion, for each eligible country, of the objectives of such assistance;

(3) a description of the coordination of assistance under this title with other United States foreign assistance and related trade policies;

(4) a description of the coordination of assistance under this title with the contributions of other donors; and

(5) any other information the President considers relevant to assistance provided under this title.

SEC. 314. POWERS OF THE CORPORATION.

(a) POWERS.—The Corporation—

(1) shall have perpetual succession unless dissolved by an Act of Congress;

(2) may adopt, alter, and use a seal, which shall be judicially noticed;

(3) may prescribe, amend, and repeal such rules, regulations, and procedures as may be necessary for carrying out the functions of the Corporation;

(4) may make and perform such contracts, grants, and other agreements with any person or government however designated and wherever situated, as may be necessary for carrying out the functions of the Corporation;

(5) may determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid, including expenses for representation;

(6) may lease, purchase, or otherwise acquire, improve, and use such real property wherever situated, as may be necessary for carrying out the functions of the Corporation;

(7) may accept cash gifts or donations of services or of property (real, personal, or mixed), tangible or intangible, for the purpose of carrying out the provisions of this title;

(8) may use the United States mails in the same manner and on the same conditions as the executive departments of Government;

(9) may contract with individuals for personal services, who shall not be considered Federal employees for any provision of law administered by the Office of Personnel Management;

(10) may hire or obtain passenger motor vehicles; and

(11) shall have such other powers as may be necessary and incident to carrying out this title.

(b) CONTRACTING AUTHORITY.—The functions and powers authorized by this title may be performed without regard to any provision of law regulating the making, performance, amendment, or modification of contracts, grants, and other agreements.

SEC. 315. COORDINATION WITH USAID.

(a) REQUIREMENT FOR COORDINATION.—An employee of the Corporation assigned to a United States diplomatic mission or consular post or a United States Agency for International Development field mission in a foreign country shall, in a manner that is consistent with the authority of the Chief of Mission, coordinate the performance of the functions of the Corporation in such country with the officer in charge of the United States Agency of International Development programs located in such country.

(b) USAID PROGRAMS.—The Administrator of the United States Agency for International Development shall seek to ensure that appropriate programs of the Agency play a primary role in preparing candidate countries to become eligible countries under section 307.

SEC. 316. PRINCIPAL OFFICE.

The Corporation shall maintain its principal office in the metropolitan area of Washington, District of Columbia.

SEC. 317. PERSONNEL AUTHORITIES.

(a) REQUIREMENT TO PRESCRIBE A HUMAN RESOURCES MANAGEMENT SYSTEM.—The CEO shall, jointly with the Director of the Office of Personnel Management, prescribe regulations that establish a human resources management system, including a retirement benefits program, for the Corporation.

(b) RELATIONSHIP TO OTHER LAWS.—

(1) INAPPLICABILITY OF CERTAIN LAWS.—Except as provided in paragraph (2), the provisions of title 5, United States Code, and of the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.) shall not apply to the human resource management program established pursuant to paragraph (1).

(2) APPLICATION OF CERTAIN LAWS.—The human resources management system established pursuant to subsection (a) may not waive, modify, or otherwise affect the application to employees of the Corporation of the following provisions:

(A) Section 2301 of title 5, United States Code.

(B) Section 2302(b) of such title.

(C) Chapter 63 of such title (relating to leave).

(D) Chapter 72 of such title (relating to antidiscrimination).

(E) Chapter 73 of such title (relating to suitability, security, and conduct).

(F) Chapter 81 of such title (relating to compensation for work injuries).

(G) Chapter 85 of such title (relating to unemployment compensation).

(H) Chapter 87 of such title (relating to life insurance).

(I) Chapter 89 of such title (relating to health insurance).

(J) Chapter 90 of such title (relating to long-term care insurance).

(3) RELATIONSHIP TO RETIREMENT BENEFITS LAWS.—The retirement benefits program referred to in subsection (a) shall permit the employees of the Corporation to be eligible, unless the CEO determines otherwise, for benefits under—

(A) subchapter III of chapter 83 and chapter 84 of title 5, United States Code (relating to retirement benefits); or

(B) chapter 8 of title I of the Foreign Service Act of 1980 (22 U.S.C. 4041 et seq.) (relating to the Foreign Service Retirement and Disability System).

(c) APPOINTMENT AND TERMINATION.—Except as otherwise provided in this section, the CEO may, without regard to any civil service or Foreign Service law or regulation, appoint and terminate employees as may be necessary to enable the Corporation to perform its duties.

(d) COMPENSATION.—

(1) AUTHORITY TO FIX COMPENSATION.—Subject to the provisions of paragraph (2), the CEO may fix the compensation of employees of the Corporation.

(2) LIMITATIONS ON COMPENSATION.—The compensation for an employee of the Corporation may not exceed the lesser of—

(A) the rate of compensation established under title 5, United States Code, or any Foreign Service law for an employee of the Federal Government who holds a position that is comparable to the position held by the employee of the Corporation; or

(B) the rate of pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(e) TERM OF EMPLOYMENT.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), no individual may be employed by the Corporation for a total period of employment that exceeds 5 years.

(2) EXCEPTED POSITIONS.—The CEO, and not more than 3 other employees of the Corporation who are designated by the CEO, may be employed by the Corporation for an unlimited period of employment.

(3) WAIVER.—The CEO may waive the maximum term of employment described in paragraph (1) if the CEO determines that such waiver is essential to the achievement of the purposes of this title.

(f) AUTHORITY FOR TEMPORARY EMPLOYEES.—The CEO may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(g) DETAIL OF FEDERAL EMPLOYEES TO THE CORPORATION.—Any Federal Government employee may be detailed to the Corporation on a fully or partially reimbursable or on a nonreimbursable basis, and such detail shall be without interruption or loss of civil service or Foreign Service status or privilege.

(h) REINSTATEMENT.—An employee of the Federal Government serving under a career or career conditional appointment, or the equivalent, in a Federal agency who transfers to or converts to an appointment in the Corporation with the consent of the head of the agency is entitled to be returned to the employee's former position or a position of like seniority, status, and pay without grade or pay reduction in the agency if the employee—

(1) is being separated from the Corporation for reasons other than misconduct, neglect of duty, or malfeasance; and

(2) applies for return to the agency not later than 30 days before the date of the termination of the employment in the Corporation.

SEC. 318. PERSONNEL OUTSIDE THE UNITED STATES.

(a) ASSIGNMENT TO UNITED STATES EMBASSIES.—An employee of the Corporation, including an individual detailed to or contracted by the Corporation, may be assigned to a United States diplomatic mission or consular post or a United States Agency for International Development field mission.

(b) PRIVILEGES AND IMMUNITIES.—The Secretary of State shall seek to ensure that an employee of the Corporation, including an individual detailed to or contracted by the Corporation, and the members of the family of such employee, while the employee is performing duties in any country or place outside the United States, enjoy the privileges and immunities that are enjoyed by a member of the Foreign Service, or the family of a member of the Foreign Service, as appropriate, of comparable rank and salary of such employee, if such employee or a member of the family of such employee is not a national of or permanently resident in such country or place.

(c) RESPONSIBILITY OF CHIEF OF MISSION.—An employee of the Corporation, including an individual detailed to or contracted by the Corporation, and a member of the family of such employee, shall be subject to section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) in the same manner as United States Government employees while the employee is performing duties in any country or place outside the United States if such employee or member of the family of such employee is not a national of or permanently resident in such country or place.

SEC. 319. USE OF SERVICES OF OTHER AGENCIES.

The Corporation may utilize the information services, facilities and personnel of, or procure commodities from, any agency of the United States Government on a fully or partially reimbursable or nonreimbursable basis under such terms and conditions as may be agreed to by the head of such agency and the Corporation for carrying out this title.

SEC. 320. ADMINISTRATIVE AUTHORITIES.

The Corporation is authorized to use any of the administrative authorities contained in the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) and the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) unless such authority is inconsistent with a provision of this title.

SEC. 321. APPLICABILITY OF CHAPTER 91 OF TITLE 31, UNITED STATES CODE.

The Corporation shall be subject to chapter 91 of title 31, United States Code.

SEC. 322. ESTABLISHMENT OF THE MILLENNIUM CHALLENGE ACCOUNT.

There is established on the books of the Treasury an account to be known as the Millennium Challenge Account that shall be administered by the CEO under the direction of the Board. All amounts made available to carry out the provisions of this title shall be deposited into such Account and such amounts shall be available to carry out such provisions.

SEC. 323. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out the provisions of this title $1,000,000,000 for fiscal year 2004, $2,300,000,000 for fiscal year 2005, and $5,000,000,000 for fiscal year 2006.

(b) AVAILABILITY.—Funds appropriated under subsection (a)—

(1) are authorized to remain available until expended, subject to appropriations acts; and

(2) are in addition to funds otherwise available for such purposes.

(c) ALLOCATION OF FUNDS.—

(1) IN GENERAL.—The Corporation may allocate or transfer to any agency of the United States Government any of the funds available for carrying out this title. Such funds shall be available for obligation and expenditure for the purposes for which authorized, in accordance with authority granted in this title or under authority governing the activities of the agencies of the United States Government to which such funds are allocated or transferred.

(2) NOTIFICATION.—The notification requirements of section 634A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1(a)) shall apply to any allocation or transfer of funds made pursuant to paragraph (1).

SEC. 324. APPROPRIATIONS.

(a) IN GENERAL.—There is hereby appropriated $1,000,000,000 for fiscal year 2004, to remain available until expended, to carry out the provisions of this title to provide assistance for countries that have demonstrated commitment to—

(1) just and democratic governance;

(2) economic freedom; and

(3) investing in the well-being of their own people.

(b) NOTIFICATION.—Funds appropriated under this title shall be available for obligation only pursuant to the regular notification procedures of the Committees on Appropriations.

SA 2018. Mr. MCCONNELL (for Mr. ENSIGN) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 147, between lines 6 and 7, insert the following new section:

DEMOCRACY BUILDING IN CUBA

SEC. 692. (a) Of the funds appropriated in Title II, under the heading ''Transition Initiatives'' not more than $5,000,000 shall be available for individuals and independent nongovernmental organizations to support democracy-building efforts for Cuba, including the following:

(1) Published and informational material, such as books, videos, and cassettes, on transitions to democracy, human rights, and market economics, to be made available to independent democratic groups in Cuba.

(2) Humanitarian assistance to victims of political repression, and their families.

(3) Support for democratic and human rights groups in Cuba.

(4) Support for visits and permanent deployment of independent international human rights monitors in Cuba.

(1) The term ''independent nongovernmental organization'' means an organization that the Secretary of State determines, not less than 15 days before any obligation of funds made available under this section to the organization, is a charitable or nonprofit nongovernmental organization that is not an agency or instrumentality of the Cuban Government.

(2) The term ''individuals'' means a Cuban national in Cuba, including a political prisoner and the family of such prisoner, who is not an official of the Cuban Government or of the ruling political party in Cuba, as defined in section 4(10) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6023(10)).

(c) The notification requirements of section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1) shall apply to any allocation or transfer of funds made pursuant to this section.

SA 2019. Mr. REID (for Mr. LEAHY) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 23, line 3, before the colon, insert the following:

: *Provided further,* That of the funds appropriated under this heading, funds shall be made available to the World Health Organization's HIV/AIDS, Tuberculosis and Malaria Cluster

On page 23, line 8, before the period, insert the following:

: *Provided further,* That the Coordinator should seek to ensure that an appropriate percent of the budget for prevention and treatment programs of the Global Fund to Fight AIDS, Tuberculosis and Malaria is made available to support technical assistance to ensure the quality of such programs

SA 2020. Mr. MCCONNELL (for Mr. FEINGOLD) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 147, between lines 6 and 7, insert the following:

RESPONSIBLE JUSTICE AND RECONCILIATION MECHANISMS IN CENTRAL AFRICA

SEC. 692. (a) Of the funds appropriated under title II under the heading ''ECONOMIC SUPPORT FUND'', $12,000,000 should be made available to support the development of responsible justice and reconciliation mechanisms in the Democratic Republic of the Congo, Rwanda, Burundi, and Uganda, including programs to increase awareness of gender-based violence and improve local capacity to prevent and respond to such violence.

SA 2021. Mr. MCCONNELL (for Mr. BROWNBACK (for himself and Mrs. FEINSTEIN)) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 77, beginning on line 20, strike ''not to exceed $3,000,000 may be made available to nongovernmental organizations to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in the Tibetan Autonomous Region and in other Tibetan communities in China:'' and insert ''not to exceed $4,000,000 shall be provided to nongovernmental organizations to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in the Tibetan Autonomous Region and in other Tibetan communities in China, of which up to $3,000,000 may be made available for the Bridge Fund of the Rockefeller Philanthropic Advisors to support such activities:''.

SA 2022. Mr. REID (for Mr. LEAHY) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 53, line 21, strike ''$8,898,000'' and insert in lieu thereof the following: $898,000

On page 55, line 26, strike ''$314,550,000'' and insert in lieu thereof the following: $322,550,000

SA 2023. Mr. REID (for Mr. KENNEDY) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. The Secretary of State should make publicly available prices paid to purchase HIV/AIDS pharmaceuticals, antiviral therapies, and other appropriate medicines, including medicines to treat opportunistic infections, for the treatment of people with HIV/AIDS and the prevention of mother-to-child transmission of HIV/AIDS in developing counties—

(1) through the use of funds appropriated under this Act; and

(2) to the extent available, by—

(A) the World Health Organization; and

(B) the Global Fund to Fight AIDS, Tuberculosis, and Malaria.

SA 2024. Mr. MCCONNELL (for Mr. FRIST (for himself, Mr. MCCONNELL, and Mr. LEAHY)) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 22, strike line 3 and insert the following:

ACTIVITIES TO COMBAT HIV/AIDS GLOBALLY FUND

On page 22, line 10, insert ''except for the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.) as amended by section 692 of this Act,'' after ''law,''.

On page 74, line 22, insert ''except for the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.) as amended by section 692 of this Act'' before the colon.

On page 147, between lines 6 and 7, insert the following new section:

ASSISTANCE FOR HIV/AIDS

SEC. 692. The United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.) is amended—

(1) in section 202(d)(4)(A), by adding at the end the following new clause:

''(vi) for the purposes of clause (i), 'funds contributed to the Global Fund from all sources' means funds contributed to the Global Fund at any time during fiscal years 2004 through 2008 that are not contributed to fulfill a commitment made for a fiscal year prior to fiscal year 2004.'';

(2) in section 202(d)(4)(B), by adding at the end the following new clause:

''(iv) Notwithstanding clause (i), after July 1 of each of the fiscal years 2004 through 2008, any amount made available under this subsection that is withheld by reason of subparagraph (A)(i) is authorized to be made available to carry out sections 104A, 104B, and 104C of the Foreign Assistance Act of 1961 (as added by title III of this Act). ''; and

(3) in section 301(f), by inserting '', except that this subsection shall not apply to the Global Fund to Fight AIDS, Tuberculosis and Malaria or to any United Nations voluntary agency'' after ''trafficking''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, October 28, 2003, at 9:30 a.m. on dietary supplements.

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, October 28, 2003, at 10:15 a.m. to hold a hearing on Iran: Security Threats & U.S. Policy.

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Tuesday, October 28, 2003, at 10 a.m. on ''Judiciary Nominations,'' in the Dirksen Senate Office Building room 226.

Agenda:

Panel I: Senators.

Panel II: Claude A. Allen to be United States Circuit Judge for the Fourth Circuit.

Panel III: Mark R. Filip to be United States District Judge for the Northern District of Illinois.

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Tuesday, October 28, 2003, at 9:30 a.m. in room 301 Russell Senate Office Building to conduct a confirmation hearing on four Presidential nominees to the Election Assistance Commission.

The nominees are Paul S. DeGregorio (R) of Missouri, 2 year term; Gracia M. Hillman (D) of the District of Columbia, 2 year term; Deforest ''Buster'' Soaries (R) of New Jersey, 4 year term; and Raymundo Martinez III (D) of Texas, 4 year term.

The PRESIDING OFFICER. Without objection it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. LEAHY. Mr. President, on behalf of Senator MIKULSKI, I ask unanimous consent that Lesley Werthamer, a State Department fellow in her office, be granted the privilege of the floor during consideration of the foreign operations bill, H.R. 2800.

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

Mr. LUGAR. Mr. President, I ask unanimous consent that Michael Mattler, a detailee from the State Department to the Foreign Relations Committee staff be granted floor privileges during consideration of this amendment.

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

Mr. HARKIN. Mr. President, I ask unanimous consent that Darcy Zotter, a fellow on my staff, be allowed the privilege of the floor during debate on this bill.

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

Mr. DURBIN. Mr. President, I ask unanimous consent that Daniela Ligiero, a fellow in Senator BINGAMAN's office, be granted the privileges

of the floor for the pendency of the foreign operations appropriations bill.

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

UNANIMOUS CONSENT AGREEMENT—S. 1753

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the majority leader, after consultation with the Democratic leader, but not before November 3, may turn to the consideration of S. 1753, the Fair Credit Reporting Act, and that it be considered under the following limitation:

The only first-degree amendments be the following and that they be subject to relevant second-degree amendments, provided that where the term ''relevant'' is used for a first-degree amendment it be construed to mean anything related to, pertaining to, or dealing with the subject matter contained in either the Senate or House bill, or the substitute amendment; textual reference is not required.

The amendments are: CANTWELL, ID theft; CORZINE, financial institutions to notify FTC of consumer data breach; DAYTON, national information sharing standards; DURBIN, student loan payment reporting; two by FEINGOLD: buy American and data mining reporting; KOHL, student loans credit reporting; two by Senator SCHUMER: debit card fee disclosure, economic policy; Senator NELSON of Florida, disposal of consumer financial records; Senators LINCOLN and PRYOR of Arkansas, usury limit; three relevant amendments by Senator FEINSTEIN; three amendments by Senator BOXER: consumer protection from false affiliate information sharing, right to know what affiliates your company can share information with, and tightening opt-out marketing loopholes; Senators SHELBY and SARBANES, a substitute amendment; relevant amendments by Senator BROWNBACK and Senator SPECTER; Senator MURKOWSKI, sharing confidential information; Senator SARBANES, two relevant amendments; Senator SHELBY, two relevant amendments; that upon the disposition of these amendments, the bill be read the third time and H.R. 2622, the House companion, be discharged from the Banking Committee and the Senate proceed to its immediate consideration; that all after the enacting clause be stricken and the text of S. 1753, as amended, be substituted in lieu thereof; the bill be read the third time, and the Senate vote on final passage of the bill, with the preceding all occurring without any intervening action or debate; further, that upon disposition of the House bill, S. 1753 be returned to the calendar.

The PRESIDING OFFICER. Is this objection?

Mr. REID. Mr. President, if I can just say this prior to the consent being entered into the RECORD, we have a number of amendments. It sounds like a lot. I have spoken to the chairman and ranking member of the committee, indicating that I am not sure all of the amendments on this side will even be offered. For example, Senator FEINGOLD thinks these will be accepted. If they are not, he will take a 10-minute time agreement.

I think we can move through these amendments quite rapidly. As I think everybody knows at this stage, the vast majority of the Senate favors this legislation. I think we should acknowledge that this agreement was reached with some effort today as a result of the advocacy of the Senators from California. They did not want this matter to be brought up this week because the fires are raging as we speak in California. They are both scheduled to go out there sometime this week. It would have been terribly inconvenient.

I appreciate everyone's cooperation. The majority and Senators on this side had other amendments they wanted to offer. But understanding the difficulty and the problems in California at this stage, we arrived at a point where I think it is fair to everybody.

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

Mr. MCCONNELL. Mr. President, I certainly hope my friend from Nevada is correct, because it does list 25 amendments. I share his hope and expectations that many of those will disappear and we will be able to deal with this legislation, which is widely supported by an overwhelming majority of the Senate, in relatively rapid fashion.

UNANIMOUS CONSENT AGREEMENT—H.R. 2800

Mr. MCCONNELL. I ask unanimous consent that when the Senate resumes consideration of the foreign operations appropriations bill on Wednesday, tomorrow, Senator DORGAN be immediately recognized in order to offer an amendment related to the September 11 commission. I further ask unanimous consent that there be 40 minutes equally divided in relation to the amendment and that at the expiration of time I or my designee be recognized in order to make a point of order against the amendment; further, that Senator DORGAN then be recognized in order to move to suspend rule XVI with respect to his amendment. I finally ask unanimous consent that the Senate then proceed immediately to a vote on the motion to suspend. I also ask consent that following that vote the Senate then proceed to consideration of H.R. 1904, the Healthy Forests legislation.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Reserving the right to object, I, along with Senator LEAHY and others on this side, are terribly disappointed that the action on the Dorgan amendment tomorrow will bring to a close, at least at this stage, further action on this most important appropriations bill. My memory could be wrong, but not too wrong, that in the past we have moved through this bill pretty quickly. The Senator from Kentucky has been involved in this for a long time, as either the ranking member or chairman of this subcommittee. I think he and Senator LEAHY, who has been involved with this for many years, have done an outstanding job.

There is one issue that has held this up and that is getting more money for global AIDS. The President supports this effort to get more money for global AIDS, and I am disappointed he and his people have not weighed in more on this, although knowing the Senator who is wanting to slow this down, does not want this to move forward, I am not sure what good it would do for anyone to talk to him knowing what an advocate he is and how strongly he feels about things.

The point I am making is I think we should have a vote on this, whatever it takes, and move on. On this side, I think everyone would have to acknowledge we have cooperated on these appropriations bills, but we cannot go to other appropriations bills when we have an appropriations bill that is on the floor and somebody finds a tough vote. It is not right. We in good faith have had our Members not offer various amendments. We have been very discrete in the amendments we have offered, and I would hope the night will bring more understanding to this most important issue of global AIDS.

It is not going to go away. It will appear on this bill or some other bill. I know my friend from Kentucky has worked very hard for hours today trying to move forward. This is his bill. Again, I express my concern and disappointment but have no objection to the unanimous consent agreement that has been suggested.

The PRESIDING OFFICER. Without objection, it is so ordered. The unanimous consent request is agreed to.

Mr. MCCONNELL. Mr. President, if I may state briefly on the issue of funding of global AIDS, I think it is important to remind our colleagues it was the President who recommended $15 billion over 5 years to attack this global public health crisis. Even without enacting amendments that go above the budget, the $2 billion that is in this appropriations bill and another appropriations bill that has already cleared the Senate—between the two bills, $2 billion—provides for the administration, even if we are unable through this process at some point this year to provide additional appropriations, to spend all the money that the administration feels it can usefully spend in the first year of the 5-year commitment. This Senator has no doubt that the full $15 billion over 5 years will be appropriated to address this huge public health crisis.

UNANIMOUS CONSENT REQUEST—H.R. 7

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 7, the charitable choice

bill. I further ask unanimous consent that all after the enacting clause be stricken, that the Snowe amendment and the Grassley-Baucus amendment, which are at the desk, be agreed to en bloc; that the substitute amendment, which is the text of S. 476, the Senate-passed version of charitable choice, as amended by Snowe and Grassley-Baucus, be agreed to; that the bill, as amended, be read a third time and passed; that the motion to reconsider be laid upon the table; further, that the Senate insist upon its amendments and request a conference with the House; and lastly, that the Chair be authorized to appoint conferees with a ratio of 3 to 2 and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I ask that the distinguished Senator from Kentucky modify his request as follows: That the Senate proceed to the immediate consideration of H.R. 7; that all after the enacting clause be stricken; that the Snowe amendment which is at the desk be agreed to; that the substitute amendment which is the text of S. 476 as passed the Senate, as amended, be agreed to; that the bill as amended be read three times, passed, the motion to reconsider be laid upon the table, and that any statements relating to this be printed in the RECORD, with no intervening action or debate.

Mr. MCCONNELL. Mr. President, I object.

Mr. REID. I also object.

The PRESIDING OFFICER. The Senator from Kentucky declines to modify his original request and the objection is now heard on the original request.

Mr. REID. The Chair is correct.

EXECUTIVE SESSION

NOMINATION OF CHARLES W. PICKERING, SR., OF MISSISSIPPI, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to executive session for the consideration of Executive Calendar No. 400, the nomination of Charles Pickering to be U.S. Circuit Judge for the Fifth Circuit. I ask my friend and colleague on the other side of the aisle, would his side be willing to enter into a time agreement on this nomination?

Mr. REID. The answer is no.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Charles W. Pickering, Sr., of Mississippi to be United States Circuit Judge for the Fifth circuit.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I therefore send a cloture motion to the desk to the pending nomination.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 400, the nomination of Charles W. Pickering, Sr., of Mississippi, to be United States Circuit Judge for the Fifth Circuit.

Bill Frist, Orrin Hatch, Trent Lott, Conrad Burns, Lamar Alexander, Arlen Specter, Mitch McConnell, Mike DeWine, Chuck Hagel, Rick Santorum, Craig Thomas, Thad Cochran, John Ensign, Lindsey Graham, Elizabeth Dole, Michael B. Enzi, Gordon Smith.

Mr. MCCONNELL. I ask unanimous consent the live quorum as required under rule XXII be waived.

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

LEGISLATIVE SESSION

Mr. MCCONNELL. I ask unanimous consent that the Senate resume legislative session.

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

HARMFUL ALGAL BLOOM AND HYPOXIA AMENDMENTS ACT OF 2003

Mr. MCCONNELL. I ask unanimous consent the Senate proceed to immediate consideration of Calendar No. 249, S. 247.

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

The legislative clerk read as follows:

A bill (S. 247) to reauthorize the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which was reported with an amendment, as follows:

[Strike the part shown in black brackets and insert the part printed in italic]

S. 247

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 ''Harmful Algal Bloom and Hypoxia Amendments Act of 2003''.

[SEC. 2. RETENTION OF TASK FORCE.

[Section 603 of the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998 (16 U.S.C. 1451 nt) is amended by striking subsection (e).

[SEC. 3. PREDICTION AND RESPONSE PLAN.

[Section 603 of such Act, as amended by section 2, is further amended by adding at the end the following:

[''(e) PREDICTION AND RESPONSE PLAN.—

[''(1) DEVELOPMENT OF PLAN.—Not later then 12 months after the date of enactment of the Harmful Algal Bloom and Hypoxia Amendments Act of 2003, the President, in conjunction with the chief executive officers of the States, shall develop and submit to the Congress a plan to protect environmental and public health from impacts of harmful algal blooms. In developing the plan, the President shall consult with the Task Force, the coastal States, Indian tribes, local governments, industry, academic institutions, and non-governmental organizations with expertise in coastal zone management.

[''(2) PLAN REQUIREMENTS.—The plan shall—

[''(A) review techniques for prediction of the onset, course, and impacts of harmful algal blooms including evaluation of their accuracy and utility in protecting environmental and public health and provisions for implementation;

[''(B) identify innovative response measures for the prevention, control, and mitigation of harmful algal blooms and provisions for their development and implementation; and

[''(C) include incentive-based partnership approaches where practicable.

[''(3) PUBLICATION AND OPPORTUNITY FOR COMMENT.—At least 90 days before submitting the plan to the Congress, the President shall cause a summary of the proposed plan to be published in the Federal Register for a public comment period of not less than 60 days.

[''(4) FEDERAL ASSISTANCE.—The Secretary of Commerce, in coordination with the Task Force and to the extent of funds available, shall provide for Federal cooperation with and assistance to the coastal States, Indian tribes, and local governments in implementing measures in paragraph (2), as requested.''.

[SEC. 4. LOCAL AND REGIONAL ASSESSMENTS.

[Section 603 of such Act, as amended by section 3, is further amended by adding at the end the following:

[''(f) LOCAL AND REGIONAL ASSESSMENTS.—

[''(1) IN GENERAL.—The Secretary of Commerce, in coordination with the Task Force and to the extent of funds available, shall provide for local and regional assessments of hypoxia and harmful algal blooms, as requested by coastal States, Indian tribes, and local governments.

[''(2) PURPOSE.—Local and regional assessments may examine—

[''(A) the causes of hypoxia or harmful algal blooms in that area;

[''(B) the ecological and economic impacts of hypoxia or harmful algal blooms;

[''(C) alternatives to reduce, mitigate, and control hypoxia and harmful algal blooms; and

[''(D) the social and economic benefits of such alternatives.''.

[SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

[Section 605 of such Act is amended—

[(1) by striking ''and'' after ''2000,'' in the first sentence and in the paragraphs (1), (2), (3), and (5);

[(2) by inserting ''$26,000,000 for fiscal year 2004, $26,500,000 for fiscal year 2005, and $27,000,000 for fiscal year 2007'' after ''2001,'' in the first sentence;

[(3) by inserting ''and $2,500,000 for each of fiscal years 2004, 2005, and 2006'' after ''2001'' in paragraph (1);

[(4) by inserting ''and $5,500,000 for each of fiscal years 2004, 2005, and 2006'' after ''2001'' in paragraph (2);

[(5) by striking ''2001'' in paragraph (3) and inserting ''2001, $2,000,000 for fiscal year 2004, $3,000,000 for fiscal year 2005, and $3,000,000 for fiscal year 2006'';

[(6) by striking ''blooms;'' in paragraph (3) and inserting ''blooms and to implement section 603(e);'';

[(7) by striking ''2001'' in paragraph (4) and inserting ''2001, and $6,000,000 for each of fiscal years 2004, 2005, and 2006,'';

[(8) by striking ''and'' after the semicolon in paragraph (4);

[(9) by striking ''2001'' in paragraph (5) and inserting ''2001, $5,000,000 for fiscal year 2004,

$5,500,000 for fiscal year 2005, and $6,600,000 for fiscal year 2006'';

[(10) by striking ''Administration.'' in paragraph (5) and inserting ''Administration; and''; and

[(11) by adding at the end the following:

[''(6) $3,000,000 for each of fiscal years 2004, 2005, and 2006 to carry out section 603(f).''.]

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Harmful Algal Bloom and Hypoxia Amendments Act of 2003''.

SEC. 2. RETENTION OF TASK FORCE.

Section 603 of the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998 (16 U.S.C. 1451 nt) is amended by striking subsection (e).

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Section 603 of such Act, as amended by section 2, is further amended by adding at the end the following:

''(e) PREDICTION AND RESPONSE PLAN.—

''(1) DEVELOPMENT OF PLAN.—Not later then 12 months after the date of enactment of the Harmful Algal Bloom and Hypoxia Amendments Act of 2003, the President, in consultation with the chief executive officers of the States, shall develop and submit to the Congress a plan to protect environmental and public health from impacts of harmful algal blooms. In developing the plan, the President shall consult with the Task Force, the coastal States, Indian tribes, local governments, industry, academic institutions, and non-governmental organizations with expertise in coastal zone science and management.

''(2) PLAN REQUIREMENTS.—The plan shall—

''(A) review techniques for prediction of the onset, course, and impacts of harmful algal blooms including evaluation of their accuracy and utility in protecting environmental and public health and provisions for implementation;

''(B) identify innovative response measures for the prevention, control, and mitigation of harmful algal blooms and provisions for their development and implementation; and

''(C) include incentive-based partnership approaches where practicable.

''(3) PUBLICATION AND OPPORTUNITY FOR COMMENT.—At least 90 days before submitting the plan to the Congress, the President shall cause a summary of the proposed plan to be published in the Federal Register for a public comment period of not less than 60 days.

''(4) FEDERAL ASSISTANCE.—The Secretary of Commerce, in coordination with the Task Force and to the extent of funds available, shall provide for Federal cooperation with and assistance to the coastal States, Indian tribes, and local governments in implementing measures in paragraph (2), as requested.''.

SEC. 4. LOCAL AND REGIONAL ASSESSMENTS.

Section 603 of such Act, as amended by section 3, is further amended by adding at the end the following:

''(f) LOCAL AND REGIONAL ASSESSMENTS.—

''(1) IN GENERAL.—The Secretary of Commerce, in coordination with the Task Force and to the extent of funds available, shall provide for local and regional assessments of hypoxia and harmful algal blooms, as requested by coastal States, Indian tribes, and local governments.

''(2) PURPOSE.—Local and regional assessments may examine—

''(A) the causes of hypoxia or harmful algal blooms in that area;

''(B) the ecological and economic impacts of hypoxia or harmful algal blooms;

''(C) alternatives to reduce, mitigate, and control hypoxia and harmful algal blooms; and

''(D) the social and economic costs and benefits of such alternatives.'.

''(g) SCIENTIFIC ASSESSMENT OF GREAT LAKES HARMFUL ALGAL BLOOMS.—

''(1) Not later than 24 months after the date of enactment of the Harmful Algal Bloom and Hypoxia Research Amendments Act of 2003 the Task Force shall complete and submit to Congress a scientific assessment of current knowledge about harmful algal blooms in the Great Lakes, including a research plan for coordinating Federal efforts to better understand Great Lakes harmful algal blooms.

''(2) The Great Lakes harmful algal bloom scientific assessment shall—

''(A) examine the causes and ecological consequences, and the economic costs, of harmful algal blooms with significant effects on Great Lakes locations, including estimations of the frequency and occurrence of significant events;

''(B) establish priorities and guidelines for a competitive, peer-reviewed, merit-based interagency research program, as part of the Ecology and Oceanography of Harmful Algal Blooms (ECOHAB) project, to better understand the causes, characteristics, and impacts of harmful algal blooms in Great Lakes locations; and

''(C) identify ways to improve coordination and to prevent unnecessary duplication of effort among Federal agencies and departments with respect to research on harmful algal blooms in Great Lakes locations.

''(h) SCIENTIFIC ASSESSMENTS OF HYPOXIA.—

''(1) Not less than once every 5 years the Task Force shall complete and submit to the Congress a scientific assessment of hypoxia in United States coastal waters including the Great Lakes. The first such assessment shall be completed not less than 24 months after the date of enactment of the Harmful Algal Bloom and Hypoxia Research Amendments Act of 2003.

''(2) The assessments under this subsection shall—

''(A) examine the causes and ecological consequences, and the economic costs, of hypoxia;

''(B) describe the potential ecological and economic costs and benefits of possible policy and management actions for preventing, controlling, and mitigating hypoxia;

''(C) evaluate progress made by, and the needs of, Federal research programs on the causes, characteristics, and impacts of hypoxia, including recommendations of how to eliminate significant gaps in hypoxia modeling and monitoring data; and

''(D) identify ways to improve coordination and to prevent unnecessary duplication of effort among Federal agencies and departments with respect to research on hypoxia.''.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

Section 605 of such Act is amended—

(1) by striking ''and'' after ''2000,'' in the first sentence and in the paragraphs (1), (2), (3), and (5);

(2) by inserting ''$26,000,000 for fiscal year 2004, $26,500,000 for fiscal year 2005, $27,000,000 for fiscal year 2006, $27,500,000 for fiscal year 2007, and $28,000,000 for fiscal year 2008'' after ''2001,'' in the first sentence;

(3) by inserting ''and $2,500,000 for each of fiscal years 2004 through 2008'' after ''2001'' in paragraph (1);

(4) by inserting ''and $8,200,000, of which $2,000,000 shall be used for the research program described in section 603(g)(2)(B), for each of fiscal years 2004 through 2008'' after ''2001'' in paragraph (2);

(5) by striking ''2001'' in paragraph (3) and inserting ''2001, $2,000,000 for fiscal year 2004, $3,000,000 for fiscal year 2005, $3,000,000 for fiscal year 2006, $3,000,000 for fiscal year 2007, and $3,000,000 for fiscal year 2008'';

(6) by striking ''blooms;'' in paragraph (3) and inserting ''blooms and to implement section 603(e);'';

(7) by striking ''2001'' in paragraph (4) and inserting ''2001, and $6,000,000 for each of fiscal years 2004 through 2008'';

(8) by striking ''and'' after the semicolon in paragraph (4);

(9) by striking ''2001'' in paragraph (5) and inserting ''2001, $5,000,000 for fiscal year 2004, $5,500,000 for fiscal year 2005, $6,600,000 for fiscal year 2006, $7,100,000 for fiscal year 2007, and $7,600,000 for fiscal year 2008'';

(10) by striking ''Administration.'' in paragraph (5) and inserting ''Administration; and''; and

(11) by adding at the end the following:

''(6) $3,000,000 for each of fiscal years 2004 through 2008 to carry out section 603(f).''.

Ms. SNOWE. Mr. President, I am pleased that today the Senate is considering passage of S. 247, the Harmful Algal Bloom and Hypoxia Amendments Act of 2003.

I must first thank my friend and original cosponsor, Senator BREAUX, for his commitment to taking action with me on these important issues. He and I represent coastal States that are directly affected by harmful algal blooms and hypoxia, and we see firsthand how these outbreaks have harmful impacts on marine ecology, resource economics, and human health in our States.

For instance, during the past several weeks Maine has endured the most toxic red tide to hit our coastline in decades. When humans, fish, and marine mammals eat clams, mussels, oysters, snails, and other shellfish that have fed on the algae that produced this red tide, they are exposed to accumulated toxins, which can cause harmful—even fatal—neurological problems. This phenomenon occurs along thousands of miles of U.S. coastline, but it has increased dramatically in the Gulf of Maine in the last 20 years. In Maine this month, the most recent outbreak caused public health alerts and closed the entire coastline to shellfishing, and it may even be linked to the deaths of 21 large whales, including humpbacks. As you can see, due to these events passage of this bill is extremely timely.

I must also thank Senators VOINOVICH, DEWINE, and LEVIN for cosponsoring this bill and helping to expand its scope to include the Great Lakes. Harmful algal blooms and hypoxia have increased in Lake Erie and other regional waters in recent years, and Great Lakes-bordering States are struggling to identify the causes of these events. Like other coastal States, they need to be able to better predict, monitor, and mitigate these events in order to protect their environment, economy, and human health.

This bill continues and builds upon the research efforts we established in 1998 through the Harmful Algal Bloom and Hypoxia Research and Control Act. This original bill authorized a cross-section of research and monitoring activities on harmful algal blooms and hypoxia. However, algal blooms are still prevalent around the country, the hypoxia ''dead zone'' still occurs each summer in the Gulf of Mexico, and the management and mitigation measures set forth in our 1998 bill still need to be realized. The amendments in S. 247 would authorize the funding that will reignite these scientific activities and provide important new authorities.

This reauthorization continues to seek and utilize the valuable contributions of the once-temporary Inter-

Agency Task Force on Harmful Algal Blooms and Hypoxia by making it permanent. The bill would direct this Task Force to develop a response and prediction action plan to protect environmental and public health from the harmful impacts of harmful algal blooms. Through this plan, task force members would review prediction techniques, develop innovative response measures, and include incentive-based partnership approaches.

The bill would also authorize the task force and the Department of Commerce to develop local and regional assessments at the request of coastal States, Indian tribes, and local governments, so they could obtain technical assistance in addressing their local hypoxia and harmful algal bloom outbreaks. The regional plans will help avoid a one-size-fits-all approach to prediction and response, since local and regional variations in the types of land use, landscape geology, and community input should be taken into account. By tailoring mitigation and management measures to each location, the overall approach can be made more effective.

As for the Great Lakes, S. 247 would direct this task force to conduct a scientific assessment of Great Lakes harmful algal blooms, and it would direct them to conduct a scientific assessment of hypoxia in U.S. coastal waters, including the Great Lakes, not less than once every 5 years. This amendment would authorize funding levels for these assessments at $2 million for fiscal years 2004 through 2006.

Overall, this bill would authorize $26 million in fiscal year 2004, and $26.5 million in fiscal year 2005, and $27 million in fiscal year 2006. These funding levels reflect modest increases in some of the research and monitoring programs authorized in the 1998 bill and provide funding for the new assessments and implementation of their recommendations.

This reauthorization facilitates the continuation and expansion of collaborative, science-based research efforts that can help us better understand how to predict and mitigate harmful algal blooms and hypoxia events. The nation is well-served by legislation that seeks to protect coastal ecosystems, resource-dependent economies, and human health, and I thank my colleagues for supporting this important bill. I look forward to sending this bill to the House of Representatives so that they may undertake the next step in passing it.

Mr. MCCONNELL. I ask unanimous consent the committee amendment be agreed to, the bill be read a third time and passed, the motions to reconsider be laid upon the table, and that any statements related to the bill be printed in the RECORD.

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

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 247), as amended, was read the third time and passed.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 108–9

Mr. MCCONNELL. Mr. President, as in executive session, I ask unanimous consent the injunction of secrecy be removed from the following treaty, transmitted to the Senate on October 28, 2003, by the President of the United States: Protocol Amending Tax Convention with Sri Lanka (Treaty Doc. 108–9).

I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and the President's message be printed in the RECORD.

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

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith, for Senate advice and consent to ratification, the Protocol Amending the Convention Between the Government of the United States of America and the Government of the Democratic Socialist Republic of Sri Lanka for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income signed at Colombo on March 14, 1985, together with an exchange of notes, signed at Washington on September 20, 2002 (the ''Protocol''). I also transmit, for the information of the Senate, the report of the Department of State concerning the Protocol.

The Protocol would amend the Convention to make it similar to tax treaties between the United States and other developing nations. The Convention would provide maximum rates of tax to be applied to various types of income and protection from double taxation of income. The Convention, as amended by the Protocol, also provides for resolution of disputes and sets forth rules making its benefits unavailable to residents that are engaged in treaty shopping.

I recommend that the Senate give early and favorable consideration to this Protocol in conjunction with the Convention, and that the Senate give its advice and consent to ratification.

GEORGE W. BUSH.

THE WHITE HOUSE, *October 28, 2003.*

ORDERS FOR WEDNESDAY, OCTOBER 29, 2003

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, October 29. I further ask that following the prayer and pledge, 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 proceed to a period of morning business for up to 30 minutes, with the first 15 minutes under the control of Senator HUTCHISON or her designee and the second 15 minutes under the control of the minority leader or his designee; provided that following morning business, the Senate resume consideration of H.R. 2800, the Foreign Operations Appropriations bill.

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

PROGRAM

Mr. MCCONNELL. For the information of all Senators, tomorrow, following morning business, the Senate will resume consideration of the Foreign Operations appropriations bill. Under the previous order, there will be a vote in relation to the Dorgan amendment at approximately 10:40 a.m. This will be the first vote of the day.

Following the disposition of the Dorgan amendment, the Senate will turn to consideration of H.R. 1904, the Healthy Forests bill. Senator COCHRAN will be on the floor to work through any of those amendments. Amendments to this urgent legislation will be offered and debated throughout the day. Therefore, Senators should expect rollcall votes throughout tomorrow.

Clearly, if anyone has had their television set on in recent days, it is important to move on this Healthy Forests legislation. Fires have been burning all over the West.

A cloture motion was filed this evening on the nomination of Charles Pickering to be a Federal circuit judge. That cloture vote will occur on Thursday, and Senators will be notified when that vote is scheduled.

Also, as a reminder, an agreement was reached tonight for the consideration of the fair credit reporting bill, and that bill will be considered next week.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:22 p.m., adjourned until Wednesday, October 29, 2003, at 9:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate October 28, 2003:

ENVIRONMENTAL PROTECTION AGENCY

MICHAEL O. LEAVITT, OF UTAH, TO BE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.